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Tuesday, May 6, 1961
Vaisakha 16 1883 (Saka)

JOINT SITTING OF HOUSES OF PARLIAMENT

DEBATES

LOK SABHA SECRETARIAT
NEW DELHI

ONE RUPEE (INLAND)

FOUR SHILLINGS (FOREIGN)

JOINT SITTING OF HOUSES OF PARLIAMENT

ALPHABETICAL LIST OF MEMBERS

A

Abdul Latif, Shri (Bijnor).

Abdul Rahim, Shri (Madras).

Abdul Rashid, Bakhshi (Jammu and Kashmir).

Abdul Salam, Shri (Tiruchirapalli).

Abdur Rahman, Maulana (Jammu and Kashmir).

Abha Maity, Kumari (West Bengal)

Abid Ali, Shri (**The Deputy Minister of Labour**).

Achal Singh, Seth (Agra).

Achar, Shri (Mangalore).

Achint Ram, Lala (Patiala).

Agadi, Shri (Koppal).

Agarwal, Shri J. P. (Uttar Pradesh)

Agarwal, Shri Manakbhai (Mandsaur)

Agarwal, Shri R. G. (Bihar).

Ahmad, Shri Ansaruddin (West Bengal)

Ahmad, Dr. Z. A. (Uttar Pradesh)

Ahmad Husain, Kazi (Bihar)

Ahmad Ali, Mirza (Delhi)

Akhtar Husain, Shri (Uttar Pradesh)

Ajit Singh, Shri (Bhatinda—Reserved—Sch. Castes).

Ali, Shri Mohammad (Madhya Pradesh).

Alva, Shi Joachim (Kanara).

Alva, Shrimati (**The Deputy Minister of Home Affairs**).

Ambalam, Shri Subbiah (Ramanathapuram).

Amjad Ali, Shri (Dhubri).

Amrit Kaur, Rajkumari (Punjab).

Anand Chand, Shri (Himachal Pradesh).

Aney, Dr. M. S. (Nagpur).

Anis Kidwai, Shrimati (Uttar Pradesh).

Anjanappa, Shri (Nellore—Reserved—Sch. Castes).

Annapurna Devi Thimmareddy, Shrimati (Mysore).

Ansari, Shri Faridul Haq (Uttar Pradesh).

Anthony, Shri Frank (Nominated—Anglo-Indians).

Anwar, Shri N. M. (Madras).

Arora, Shri Arjan (Uttar Pradesh).

Arumugam, Shri R. S. (Srivilliputhur —Reserved—Sch. Castes).

Arumugham, Shri S. R. (Namakkal—Reserved—Sch. Castes).

Ashanna, Shri (Adilabad).

Assar, Shri (Ratnagiri).

Asthana, Shri Lila Dhar (Unnao).

Atchamamba, Dr. (Vijayavada).

Awasthi, Shri Jagdish (Bilhaur).

Ayyakannu, Shri (Nagapattinam—served—Sch. Castes).

Ayyangar, Shri M. A. (Chittoor).

B

Babunath Singh, Shri (Sarguja—Reserved—Sch. Castes).

Badan Singh, Ch. (Bisauli).

Bahadur Singh, Shri (Ludhiana—Reserved—Sch. Castes).

Bajaj, Shri Kamalnayan (Wardha).

Bakliwal, Shri (Durg).

Balakrishnan, Shri (Dindigul—Reserved—Sch. Castes).

Baldev Singh, Sardar (Hoshiarpur).

Balmiki, Shri (Bulandshahr—Reserved—Sch. Castes).

Banerjee, Shri Pramathanath (Contai).

Banerjee, Shri S. M. (Kanpur).

Banerjee, Shri Tara Shankar. (Nominated.)

Banerji, Shri P. B. (Lucknow).

Banerji, Dr. R. (Bankura).

Bangshi Thakur, Shri (Tripura—Reserved—Sch. Tribes).

Bansi Lal, Shri (Punjab)

Barlingay, Dr. W. S. (Maharashtra)

Barman, Shri (Cooch-Behar—Reserved—Sch. Castes).

Barooah, Shri Lila Dhar (Assam).

Barrow, Shri (Nominated—Anglo-Indians).

Barua, Shri Hem (Gauhati).

Barupal Shri P. L. (Bikaner—Reserved—Sch. Castes).

Basappa, Shri (Tiptur).

Basavapunnaiah, Shri M. (Andhra Pradesh)

Basu, Shri Santosh Kumar (West Bengal)

Basumatari, Shri (Goalpara—Reserved—Sch. Tribes).

Beck, Shri Ignace (Lohardaga—Reserved—Sch. Tribes).

Bedavati Buragohain, Shrimati (Assam).

Bhadauria, Shri Arjun Singh (Etawah).

Bhagat, Shri B. R. **(The Deputy Minister of Finance).**

Bhagavati, Shri (Darrang).

Bhakt Darshan, Shri (Garhwal).

Bhanja Deo, Shri (Keonjhar).

Bharathi, Shrimati K. (Kerala)

Bhargava, Pandit M. B. (Ajmer).

Bhargava, Pandit Thakur Das (Hissar).

Bhargava, Shri B. N. (Uttar Pradesh).

Bhargava, Shri M. P. (Uttar Pradesh).

Bharucha, Shri Naushir (East Khandesh).

Bhatkar, Shri (Akola—Reserved——Sch. Castes).

Bhattacharya, Shri C. K. (West Dinajpur).

Bhawani Prasad, Shri (Sitapur-Reserved Sch. Castes).

Bhogji Bhai, Shri (Banswara—Reserved—Sch. Tribes).

Bholi Sardar, Shri (Saharsa—Reserved—Sch. Castes).

Bidari, Shri (Bijapur—South).

Birbal Singh, Shri (Jaunpur).

Birendra Bahadur Singhji, Shri (Raipur).

Bisht, Shri J. S. (Uttar Pradesh)

Bist, Shri J. B. S. (Almora).

Biswas, Shri Bholanath (Katihar)

Borooah, Shri P. C. (Sibsagar).

Bose, Dr. A. N. (West Bengal)

Brahm Prakash, Ch. (Delhi Sadar).

Braj Raj Singh, Shri (Firozabad).

Brajeshwar Prasad, Shri (Gaya).

Brij Narayan "Brijesh". Pandit (Shivpuri).

C

Chakradhar, Shri A. (Andhra Pradesh.

Chakravartty, Shrimati Renu (Basirhat).

Chaman Lall, Diwan (Punjab).

Chanda, Shri Anil K. **(The Deputy Minister of Works, Housing and Supply).**

Chandak, Shri (Chhindwara).

Chandra Shankar Shri (Broach).

Chandramani Kalo, Shri (Sundargarh —Reserved—Sch. Tribes).

Chandravati Lakhanpal, Shrimati (Uttar Pradesh).

Chatterji, Shri J. C. (Uttar Pradesh).

Chaturvedi, Shri (Etah).

Chaturvedi, Shri B. D. (Madhya Pradesh).

Chaudhuri, Shri Tridib Kumar (Berhampore).

Chauhan, Shri Nawab Singh (Uttar Pradesh).

Chavan, Shri D. R. (Karad).

Chavda, Shri (Banaskantha).

Chavda, Shri K. S. (Gujarat)

Chettiar, Shri Ramanathan (Pudukottai).

Chettiar, Shri T. S. Avinashilingam (Madras).

Chinai, Shri Babubhai (Maharashtra)

Choudhry, Shri C. L. (Hajipur—Reserved—Sch. Castes).

Choudhury, Shri S C. (Dumka).

Chuni Lal, Shri (Ambala—Reserved—Sch. Castes).

D

Daljit Singh, Shri (Kangra—Reserved—Sch. Castes).

Damani, Shri (Jalore).

Damar, Shri Amar Singh (Jhabua——Reserved—Sch. Tribes).

Dange, Shri S. A. (Bombay City—Central)

Das, Shri Bishwanath (Orissa)

Das, Shri K. K. (Birbhum—Reserved—Sch. Castes).

Das, Shri N. K. (Orissa).

Das, Dr. M. M. **(The Deputy Minister of Scientific Research and Cultural Affairs).**

Das, Shri N. T. (Monghyr—Reserved—Sch. Castes).

Das Gupta, Shri B. (Purulia).

Dasappa, Shri (Bangalore).

Dasaratha Deb, Shri (Tripura).

Datar, Shri **(The Minister of State in the Ministry of Home Affairs).**

Daulta, Shri P. S. (Jhajjar).

Dave, Shri Rohit M. (Gujarat).

Deb, Shri N. M. (Midnapur).

Deb, Shri P. G. (Angul).

Deb, Shri S. C. (Assam)

Deo, Shri P. K. (Kalahandi).

Deogirikar, Shri T. R. (Maharashtra).

Deokinandan Narayan, Shri (Maharashtra).

Desai, Shri D. B. (Maharashtra).

Desai, Shri Janardhan Rao (Mysore).

Desai, Shri Khandubhai K. (Gujarat)

Desai, Shri Morarji **(The Minister of Finance).**

Desai, Shri Suresh J. (Gujarat).

Deshmukh, Shri K. G. (Ramtek).

Deshmukh, Dr. P. S. **(The Minister of Agriculture).**

Deshmukh, Shri R. M. (Maharashtra)

Dey, Shri S. K. **(The Minister of Community Development and Co-operation).**

Dhanagar, Shri (Mainpuri).

Dharam Prakash, Dr. (Uttar Pradesh).

Dharmalingam, Shri (Thiruvannamalai).

Dige, Shri (Kolhapur—Reserved—Sch. Castes).

Dikshit, Shri Umashankar (Uttar Pradesh)

Dindod, Shri (Dohad—Reserved—Sch. Tribes).

Dinesh Singh, Shri (Banda).

Dora, Shri D. S. (Parvathipuram)

Doogar, Shri R. S. (West Bengal).

Drohar, Shri (Hardoi—Reserved—Sch. Castes).

Dube, Shri Mulchand (Farrukhabad).

Dublish, Shri (Sardhana).

Dutt, Shri Krishan (Jammu & Kashmir).

Dwibedy, Shri Bairagi (Orissa).

Dwivedi, Shri M. L. (Mamirpur).

Dwivedy, Shri Surendranath (Kendrapara).

E

Eacharan, Shri V. (Palghat).

Elayaperumal, Shri (Chidambaram—Reserved—Sch. Castes).

Elias, Shri Muhammed (Howrah).

Ering, Shri D. (North-East Frontier Tract)

G

Gaikwad, Shri Fatesinhrao **(The Parliamentary Secretary to the Minister of Defence).**

Gaikwad, Shri B. K. (Nasik).

Ganapathy, Shri (Tiruchendur).

Gandhi, Shri M. M. (Panchmahals).

Ganga Devi, Shrimati (Unnao—Reserved—Sch. Castes).

Ganpati Ram, Shri (Jaunpur—Reserved—Sch. Castes).

Gautam, Shri C. D. (Balaghat).

Ghodasar, Shri Fatehsinh (Kaira).

Ghosal, Shri Aurobindo (Uluberia)

Ghose, Shri Bimal (Barrackpore).

Ghose, Shri Subiman (Burdwan).

Ghose, Shri Surendra Mohan (West Bengal).

Ghosh, Shri Atulya (Asansol).

Ghosh, Shri M. K. (Jamshedpur).

Ghose, Shri N. R. (Cooch-Behar).

Ghosh, Shri Sudhir (West Bengal).

Gilbert, Shri A. C. (Uttar Pradesh).

Godsora, Shri S. C. (Singhbhum—Reserved—Sch. Tribes).

Gohokar, Dr. (Yeotmal).

Gopalakrishnan, Shri R. (Madras).

Gopalan, Shri A. K. (Kasergod).

Goray, Shri (Poona).

Gounder, Shri Doraiswami (Tiruppattur).

Gounder, Shri K. Periaswami (Karur).

Gounder, Shri Shanmuga (Tindivanam).

Gour, Dr. R. B. (Andhra Pradesh).

Govind Das, Dr. (Jabalpur).

Guha, Shri A. C. (Barasat).

Gupta, Shri Bhupesh (West Bengal).

Gupta, Shri C. L. (Hardoi).

Gupta, Shri Indrajit (Calcutta—South West).

Gupta, Shri Maithilisharan. (Nominated)

Gupta, Shri Ram Krishan (Mahendragarh).

Gupta, Shri Ramgopal (Uttar Pradesh).

Gupta, Shri Sadhan (Calcutta—East).

Gurudev, Shri (Madhya Pradesh).

Gurupada Swamy, Shri M. S. (Mysore)

H

Hagjer, Shri J. B. (Assam).

Hajarnavis, Shri **(The Deputy Minister of Law).**

Halder, Shri (Diamond Harbour—Reserved—Sch. Castes).

Hansda, Shri Subodh (Midnapur—Reserved—Sch. Tribes).

Hardiker, Dr. N. S. (Mysore)

Harvani, Shri Ansar (Fatehpur).

Hathi, Shri **(The Deputy Minister of Irrigation and Power).**

Hazarika, Shri J. N. **(The Parliamentary Secretary to the Minister of External Affairs).**

Heda, Shri (Nizamabad).

Hem Raj, Shri (Kangra).

Himatsingka Shri P. D. (West Bengal).

Hukam Singh, Sardar (Bhatinda).

Hynniewta, Shri (Autonomous Districts—Reserved—Sch. Tribes).

I

Iqbal Singh, Sardar (Ferozepur).

Iyer, Shri Easwara (Trivandrum).

Iyer, Shri N. Ramakrishna. (Madras)

J

Jadhav, Shri Yadav Narayan (Malegaon).

Jagjivan Ram, Shri **(The Minister of Railways).**

Jahanara Jaipal Singh, Shrimati (Bihar).

Jain, Shri A. P. (Saharanpur).

Jain, Shri M C. (Kaithal).

Jaipal Singh, Shri (Ranchi West—Reserved—Sch. Tribes).

Jairamdas Daulatram, Shri (Nominated).

Jangde, Shri (Bilaspur).

Jedhe, Shri G. K. (Baramati).

Jena, Shri K. C. (Balasore—Reserved—Sch. Castes).

Jhunjhunwala, Shri (Bhagalpur).

Jinachandran, Shri (Tellichery).

Jogendra Sen, Shri (Mandi).

Jogendra Singh, Sardar (Bahraich).

John, Shri M. (Bihar).

Joshi, Shri A. C. **(The Parliamentary Secretary to the Minister of Information and Broadcasting).**

Joshi, Shri J. M. (Gujarat).

Joshi, Shri Liladhar (Shajapur).

Joshi, Shrimati Subhadra (Ambala).

Jugal Kishore, Shri (Punjab)

Jyotishi, Pandit J. P. (Sagar).

K

Kabir, Shri Humayun **(The Minister of Scientific Research and Cultural Affairs).**

Kalelkar, Kakasaheb (Nominated)

Kalika Singh, Shri (Azamgarh).

Kamal Singh, Shri (Buxar).

Kamble, Shri B. C. (Kopargaon).

Kamble, Dr (Nanded—Reserved—Sch. Castes).

Kanakasabai, Shri (Chidambaram).

Kanungo, Shri **(The Minister of Commerce).**

Kapoor, Shri Jaspat Roy (Uttar Pradesh)

Kar, Shri Prabhat (Hooghly).

Karayalar, Shri S. C. (Madras).

Karmarkar, Shri **(The Minister of Health).**

Karni Singhji, Shri (Bikaner).

Keshiram, Shri (Nalgonda-Reserved Sch. Castes).

Kasliwal, Shri (Kotah).

Katti, Shri D. A. (Chikodi).

Kaushal, Shri J. N. (Punjab).

Kayal, Shri P N. (Basirhat—Reserved —Sch. Castes).

Kedaria, Shri C. M (Mandvi—Reserved—Sch. Tribes).

Kesar Kumari, Shrimati (Raipur—Reserved—Sch. Tribes).

Keshava, Shri (Bangalore City).

Keshvanand, Swami (Rajasthan)

Keskar, Dr. **(The Minister of Information and Broadcasting).**

Khadilkar, Shri (Ahmednagar).

Khadiwala, Shri (Indore).

Khan, Shri Akbar Ali (Andhra Pradesh)

Khan, Shri Osman Ali (Kurnool).

Khan, Shri Pir Mohammed (Jammu and Kashmir).

Khan, Shri Sadath Ali **(The Parliamentary Secretary to the Minister of External Affairs).**

Khan, Shri Shahnawaz **(The Deputy Minister of Railways).**

Khanna, Shri Mehr Chand **(The Minister of Rehabilitation and Minority Affairs).**

Khimji, Shri (Kutch).

Khobaragada, Shri B. D. (Maharashtra).

Khuda Bukhsh, Shri M. (Murshidabad).

Khushwaqt Rai, Shri (Kheri).

Khwaja, Shri Jamal (Aligarh).

Kiledar, Shri R. S. (Hoshangabad).

Kishori Ram, Shri (Bihar).

Kistaiya, Shri (Bastar—Reserved—Sch. Tribes).

Kodiyan, Shri (Quilon—Reserved—Sch. Castes).

Koratkar, Shri (Hyderabad).

Kotoki, Shri Liladhar (Nowgong).

Kottukapally, Shri (Moovattupuzha)

Kripalani, Acharya (Sitamarhi).

Krishna, Shri M. R. (Karimnagar——Reserved—Sch. Castes).

Krishna Chandra, Shri (Jalesar).

Krishna Kumari, Shrimati (Madhya Pradesh).

Krishna Rao, Shri M. V. (Masulipatnam).

Krishnaiah, Shri Balarama (Gudivada).

Krishnamachari, Shri T. T. (Madras—South).

Krishnappa, Shri M. V. **(The Deputy Minister of Agriculture).**

Krishnaswami, Dr. (Chingleput).

Kulkarni, Shri G. R. (Maharashtra)

Kumaran, Shri M. K. (Chirayinkil).

Kumbha Ram, Shri (Rajasthan)

Kumbhar, Shri (Sambalpur—Reserved—Sch. Castes).

Kunhan, Shri (Palghat—Reserved—Sch. Castes).

Kunzru, Dr. H. N. (Uttar Pradesh)

Kureel, Shri B N. (Rae Bareli—Reserved—Sch. Castes).

Kureel Urf Talib, Shri P L. (Uttar Pradesh)

Kurre, Shri Dayaldas (Madhya Pradesh).

L

Lachhi Ram, Shri (Ramirpur—Reserved—Sch. Castes).

Lachman Singh, Shri (Nominated—Andaman and Nicobar Islands).

Lahiri, Shri (Serampore).

Lakshmi Menon, Shrimati (Bihar)

Lal, Prof. M. B. (Uttar Pradesh).

Laskar, Shri N. C. (Cachar—Reserved—Sch. Castes).

Lalif, Shri Abdul (Tripura).

Laxmi Bai, Shrimati (Vikarabad).

Lila Devi, Shrimati (Himachal Pradesh).

Limaya, Shri S. K. (Maharashtra).

Lingam, Shri N. M. (Madras).

Lohai, Shri L. T. (Gujarat).

Lonikar, Shri (Jalna).

M

Madhok, Shri Balraj (New Delhi).

Mafida Ahmed, Shrimati (Jorhat).

Mahadeo Prasad, Shri (Gorakhpur—Reserved—Sch. Castes).

Mahagaonkar, Shri (Kolhapur).

Mahanty, Shri (Dhenkanal).

Mahapatra, Shri Bhagirathi (Orissa)

Mahendra Pratap, Raja (Mathura).

Mahesh Saran, Shri (Bihar).

Maiti, Shri N. B. (Ghatal).

Majhi, Shri R. C. (Mayurbhanj—Reserved—Sch. Tribes).

Majithia, Sardar **(The Deputy Minister of Defence).**

Malaviya, Shri K. D. **(The Minister of Mines and Oil).**

Malkani, Shri N. R. (Nominated).

Malhotra, Shri Inder J. (Jammu and Kashmir).

Malliah, Shri U. S. (Udipi).

Mallik, Shri D. C. (Dhanbad).

Malvia, Shri K. B. (Shajapur—Reserved—Sch. Castes).

Malviya, Shri Motilal (Khajuraho—Reserved—Sch. Castes).

Malviya, Shri Ratanlal Kishorilal (Madhya Pradesh).

Manaen, Shri (Darjeeling).

Manay, Shri (Bombay City Central—Reserved—Sch. Castes).

Mandal, Shri J. (Khagaria).

Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes).

Mani, Shri A. D. (Madhya Pradesh).

Maniyangadan, Shri (Kottayam).

Manjula Devi, Shrimati (Goalpara).

Masani, Shri M. R. (Ranchi—East).

Mathen, Shri Joseph. (Kerala).

Masuriya Din, Shri (Phulpur—Reserved—Sch. Castes).

Maya Devi Chetty, Shrimati (West Bengal).

Matera, Shri (Thana—Reserved—Sch. Tribes).

Mathur, Shri Harish Chandra (Pali).

Matin, Qazi (Giridih).

Mazhar Imam, Syed (Bihar).

Mehdi, Shri S. A. (Rampur).

Mehta, Shri Asoka (Muzaffarpur).

Mehta, Shri B. G. (Gohilwad).

Mehta, Shri J. R. (Jodhpur).

Mehta, Shrimati Krishna (Jammu and Kashmir).

Mehta, Shri M. M. (Gujarat).

Melkote, Dr. (Raichur).

Menon, Dr. K. B. (Badagara).

Menon, Shri K. Madhava (Kerala).

Menon, Shri Krishna **(The Minister of Defence).**

Menon, Shri Narayanankutty (Mukandapuram).

Menon, Shrimati Lakshmi **(The Deputy Minister of External Affairs).**

Minimata, Shrimati (Baloda Bazar—Reserved—Sch. Castes).

Mirza, Shri D. A. (Madras).

Mishra, Shri Bibhuti (Bagaha).

Mishra, Shri L. N. **(The Deputy Minister of Planning and Labour and Employment).**

Mishra, Shri M. P. (Begusarai).

Mishra, Shri R. R. (Faizabad).

Mishra, Shri Shyam Dhar **(The Parliamentary Secretary to the Minister of Community Development and Co-operation).**

Mishra, Shri S. N. **(The Deputy Minister of Planning).**

Misra, Shri B. D. (Kaisarganj).

Misra, Shri Bibudhendra (Orissa).

Misra, Shri Lokanath (Orissa).

Misra, Shri R. D. (Bulandshahr).

Misra, Shri S. D. (Uttar Pradesh).

Mitra, Shri P. C. (Bihar).

Modi, Shri J. K. (Gujarat).

Mohammad Akbar, Shaikh (Jammu and Kashmir).

Mohammad Ibrahim, Hafiz (The Minister of Irrigation and Power).

Mohammed Imam, Shri (Chitaldrug).

Mohan Swarup, Shri (Pilibhit).

Mohideen, Shri Gulam (Dindigul).

Mohiuddin, Shri **(The Deputy Minister of Civil Aviation).**

Morarka, Shri (Jhunjhunu).

More, Shri (Sholapur).

Mudaliar, Dr. A. R. (Madras).

Mukerjee, Shri H. N. (Calcutta—Central).

Mullick, Shri B. C. (Kendrapara—Reserved—Sch. Castes).

Muniswamy, Shri N. R. (Vellore).

Murmu, Shri Paika (Rajmahal—Reserved—Sch. Tribes).

Murthy, Shri B. S. **(The Deputy Minister of Community Development and Co-operation).**

Murty, Shri M. S. (Golugonda).

Musafir, Giani G. S. (Amritsar).

Muthukrishnan, Shri (Vellore—Reserved—Sch. Castes).

N

Nadar, Shri Thanulingam (Nagercoil).

Nafizul Hasan, Shri (Uttar Pradesh).

Nagpure, Shri V. T. (Maharashtra).

Naidu, Shri Govindarajalu (Tiruvallur).

Naik, Shri Maheswar (Orissa).

Nair, Shri C. K. (Outer Delhi).

Nair, Shri Govindan, (Kerala).

Nair, Shri K. P. Kuttikrishnan (Kozhikode).

Nair, Shri K. P. Madhavan (Kerala).

Nair, Shri Vasudevan (Thiruvella).

Naldurgkar, Shri (Osmanabad).

Nallakoya, Shri (Nominated—Laccadive, Minicoy and Amindivi Islands).

Nallamuthu **Ramamurti, Shrimati T.** (Madras).

Nanda, Shri **(The Minister of Labour and Employment and Planning).**

Nanjappan, Shri (Nilgiris).

Nanjundaiya, Shri B. C. (Mysore).

Naraindin, Shri (Shahjahanpur—Reserved—Sch. Castes).

Narasimha Rao, Dr. K. L. (Andhra Pradesh).

Narasimham, Shri K. L. (Andhra Pradesh).

Narasimhan, Shri (Krishnagiri).

Narayanasamy, Shri R. (Periyakulam).

Nariendar Kumar, Shri (Nagpur).

Naskar, Shri P. S. **(The Deputy Minister of Rehabilitation).**

Nath Pai, Shri (Rajapur).

Nathwani, Shri (Sorath).

Nayak, Shri Mohan (Ganjam—Reserved—Sch. Castes).

Nayar, Dr. Sushila (Jhansi).

Nayar, Shri V. P. (Quilon).

Nayudu, Shri Muthukumarasami (Cuddalore).

Negi, Shri Nek Ram (Mahasu—Reserved—Sch. Castes).

Nehru, Shri Jawaharlal **(The Prime Minister and Minister of External Affairs).**

Nehru, Shrimati Uma (Sitapur).

Neki Ram, Shri (Punjab).

Neswi, Shri (Dharwar South).

O

Onkar Lal, Shri (Kotah—Reserved—Sch. Castes).

Oza, Shri (Zalawad).

P

Padam Dev, Shri (Chamba).

Pahadia, Shri (Sawai Madhopur—Reserved—Sch. Castes).

Palaniyandy, Shri (Perambalur).

Palchoudhuri, Shrimati Ila (Nabadwip).

Paliwal, Shri Tika Ram (Rajasthan).

Pande, Shri C. D. (Naini Tal).

Pande, Shri K. N. (Hata).

Pande, Shri T. (Utter Pradesh).

Pandey, Shri Sarju (Rasra).

Pangarkar, Shri (Parbhani).

Panikkar, Shri K. M. (Nominated).

Panigrahi, Shri Chintamoni (Puri).

Panjhazari, Sardar Raghubir Singh (Punjab).

Panna Lal, Shri (Faizabad—Reserved—Sch. Castes).

Parameswaran, Shri B. (Madras).

Parmanand, Dr. Shrimati Seeta (Madhya Pradesh).

Parmar, Shri Deen Bandhu (Udaipur—Reserved—Sch. Tribes).

Parmar, Shri K. U. (Ahmedabad—Reserved—Sch. Castes).

Parthasarathy, Shrimati G. (Madras).

Parulekar, Shri (Thana).

Parvathi Krishnan, Shrimati (Coimbatore).

Patel, Shri Dahyabhai V. (Gujarat).

Patel, Shri Harihar (Orissa).

Patel, Shri Manganbhai S. (Gujarat).

Patel, Kumari Maniben (Anand).

Patel, Shri N. N. (Bulsar—Reserved—Sch. Tribes).

Patel, Shri P. R. (Mehsana).

Patel, Shri Rajeshwar (Hajipur).

Pathak, Shri G. S. (Uttar Pradesh).

Patil, Shri Balasaheb (Miraj).

Patil, Shri Nana (Satara).

Patil, Shri R. D. (Bhir).

Patil, Shri Sonusing Dhansingh (Maharashtra).

Patil, Shri S. K. **(The Minister of Food and Agriculture).**

Patil, Shri T. S. (Akola).

Patil, Shri U. L. (Dhulia).

Patil, Shri V. P. (Maharashtra).

Patnaik, Shri Dibakar (Orissa).

Pattabhi Raman, Shri C. R. (Kumbakonam).

Pattabiraman, Shri T. S. (Madras).

Pawar, Shri D. Y. (Maharashtra).

Pendse, Shri Lalji (Maharashtra).

Pheruman, Sardar Darshan Singh (Punjab).

Pillai, Shri Anthony (Madras North).

Pillai, Shri Thanu (Tirunelveli).

Pocker Sahib, Shri (Manjeri).

Prabhakar, Shri Naval (Outer Delhi Reserved—Sch. Castes).

Prodhan, Shri B. C. (Kalahandi—Reserved—Sch. Tribes).

Punnaiah, Shri Kota (Andhra Pradesh).

Punnoose, Shri (Ambalapuzha).

Pushpalata Das, Shrimati (Assam).

R

Radha Mohan Singh, Shri (Ballia).

Radha Raman, Shri (Chandni Chowk).

Raghu Vira, Dr. (Gujarat).

Raghubir Sahai, Shri (Budaun).

Raghubir Sinh, Dr. (Madhya Pradesh).

Raghunath Singh, Shri (Varanasi).

Raghunath Singhji, Shri (Barmer).

Raghuramaiah, Shri **(The Deputy Minister of Defence)**.

Rahman, Shri M. H. (Amroha).

Rai, Shrimati Sahodrabai (Sagar—Reserved—Sch. Castes).

Raj Bahadur, Shri **(The Minister of State in the Ministry of Transport and Communications)**.

Rajabhoj, Shri P. N. (Maharashtra).

Rajagopalan, Shri G. (Madras).

Rajendra Singh, Shri (Chapra).

Rajendra Pratap Singh (Rai Bareli).

Raju, Shri D. S. (Rajahmundry).

Rajyalaxmi, Shrimati (Hazaribagh).

Ram Garib, Shri (Basti—Reserved—Sch. Castes).

Ram Saran, Shri (Moradabad).

Ram Shankar Lal, Shri (Domaria Ganj).

Ram Subhag Singh, Dr. (Sasaram).

Ramakrishnan, Shri P. R. (Pollachi).

Ramam, Shri (Narasapur).

Ramamurti, Shri P. (Madras).

Ramananda Tirtha, Swami (Aurangabad).

Ramaswamy, Shri S. V. **(The Deputy Minister of Railways)**.

Ramaswamy, Shri K. S. (Gobichettipalayam).

Ramaswamy, Shri P. (Mahbubnagar—Reserved—Sch. Castes).

Ramaul, Shri S. N. (Mahasu).

Ramdhani Das, Shri (Nawada—Reserved—Sch. Castes).

Rampure, Shri M. (Gulbarga).

Ranbir Singh, Ch. (Rohtak).

Rane, Shri (Buldana).

Ranga, Shri (Tenali).

Rangarao, Shri (Karimnagar).

Rao, Shri D. Ramanuja (Andhra Pradesh).

Rao, Shri D. V. (Nalgonda).

Rao, Shri Hanmanth (Medak).

Rao, Shri Jaganatha (Koraput).

Rao, Shri Madhusudan (Mahbubabad).

Rao, Shri Rajagopala (Srikakulam).

Rao, Shri Rameshwar (Mahbubnagar)

Rao, Shri S. V. Krishnamoorthy (Mysore).

Rao, Shri T. B. Vittal (Khammam).

Rao, Shri Thirumala (Kakinada).

Rao, Shri V. C. Kesava (Andhra Pradesh).

Rath, Shri Abhimanyu (Orissa).

Raut, Shri Bhola (Champaran—Reserved—Sch. Castes).

Raut, Shri R. B. (Kolaba).

Ray, Dr. Nihar Ranjan (West Bengal)

Ray, Shrimati Renuka (Malda).

Ray, Shri Satyendra Prosad (West Bengal).

Reddi, Dr. B. Gopala **(The Minister of State in the Ministry of Works, Housing and Supply)**.

Reddi, Shri J. C. Nagi (Andhra Pradesh).

Reddy, Shri A. Balarami (Andhra Pradesh).

Reddy, Shri Bali (Markapur).

Reddy, Shri K. C. **(The Minister of Commerce and Industry)**.

Reddy, Shri M. Govinda (Mysore).

Reddy, Shri Mulka Govinda (Mysore).

Reddy, Shri N. Sri Rama (Mysore).

Reddy, Shri Nagi (Anantapur).

Reddy, Shri Narapa (Ongole).

Reddy, Shri R. L. (Nellore).

Reddy, Shri Ramakrishna (Hindupur).

Reddy, Shri Rami (Cuddapah).

Reddy, Shri S. Channa (Andhra Pradesh).

Reddy, Shri Viswanatha (Rajampet).

Roy, Shri Biren (West Bengal).

Roy, Shri Bishwanath (Salempur).

Rukmani Bai, Shrimati (Madhya Pradesh).

Rukmini Devi Arundale, Shrimati (Nominated).

Rungsung Suisa, Shri (Outer Manipur —Reserved—Sch. Tribes).

Rup Narain, Shri (Mirzapur—Reserved—Sch. Castes).

S

Sadhu Ram, Shri (Jullundur—Reserved—Sch. Castes).

Sadiq Ali, Shri (Rajasthan).

Sahai, Shri Ram (Madhya Pradesh).

Sahu, Shri Bhagabat (Balasore).

Sahu, Shri Rameshwar (Darbhanga—Reserved—Sch. Castes).

Saigal, Sardar A. S. (Janjgir).

Sait, Shri Ebrahim Sulaiman (Kerala).

Saksena, Shri H. P. (Uttar Pradesh).

Saksena, Shri Mohan Lal (Nominated).

Saksena, Shri S. L. (Maharajganj).

Salunke, Shri Balasaheb (Khed).

Samanta, Shri S. C. (Tamluk).

Samantsinhar, Dr. (Bhubaneshwar).

Sambandam, Shri (Nagapattinam).

Sampath, Shri (Namakkal).

Samuel, Shri M. H. (Andhra Pradesh).

Sanganna, Shri (Koraput—Reserved —Sch. Tribes).

Sanghi, Shri N. K. (Nagaur).

Sankarapandian, Shri (Tenkasi).

Santhanam, Shri K. (Madras).

Sapru, Shri P. N. (Uttar Pradesh).

Sarhadi, Shri Ajit Singh (Ludhiana).

Sarwate, Shri V. V. (Madhya Pradesh).

Satish Chandra, Shri (**The Deputy Minister of Commerce and Industry**).

Satyabhama Devi, Shrimati (Nawada).

Satyacharan, Shri (Uttar Pradesh).

Satyanarayana, Shri (Parvathipuram —Reserved—Sch. Tribes).

Satyanarayana, Shri M. (Nominated).

Savitry Devi Nigam, Shrimati (Uttar Pradesh).

Savnekar, Shri Baba Saheb (Maharashtra).

Scindia, Shrimati Vijaya Raje (Guna).

Seeta Yudhvir, Shrimati (Andhra Pradesh).

Selku, Shri (West Dinajpur—Reserved—Sch. Tribes).

Sen, Shri A. K. (**The Minister of Law**).

Sen, Shri P. G. (Purnea).

Seth, Shri B. C. (Shahjahanpur).

Sethi, Shri P. C. (Madhya Pradesh).

Shah, Shrimati Jayaben (Ginar).

Shah, Shri K. K. (Maharashtra).

Shah, Shri Manabendra (Tehri Garhwal).

Shah, Shri Manubhai (**The Minister of Industry**).

Shakoor, Moulana Abdul (Rajasthan)

Shakuntala Devi, Shrimati (Banka).

Shankar Deo, Shri (Gulbarga—Reserved—Sch. Castes).

Shankaraiya, Shri (Mysore).

Shanta Vasisht, Kumari (Delhi).

Shanti Devi, Shrimati (Uttar Pradesh)

Sharda Bhargava, Shrimati (Andhra Pradesh),

Sharma, Shri D. C. (Gurdaspur).

Sharma, Pandit K. C. (Hapur).

Sharma, Shri H. C. (Jaipur).

Sharma, Shri L. Lalit Madhob (Manipur).

Sharma, Shri Madho Ram (Punjab).

Sharma, Shri Purna Chandra (Assam).

Sharma, Shri R. C. (Gwalior).

Shastri, Pandit H. (Sawai Madhopur).

Shastri, Shri Lal Bahadur **(The Minister of Home Affairs).**

Shastri, Shri Prakash Vir (Gurgaon).

Shastri, Swami Ramanand (Barabanki—Reserved—Sch. Castes).

Sherkhan, Shri (Mysore).

Shervani, Shri M. R. (Uttar Pradesh)

Shetty, Shri B. P. Basappa (Mysore).

Shivananjappa, Shri (Mandya).

Shobha Ram, Shri (Alwar).

Shree Narayan Das, Shri (Darbhanga).

Shrimali, Dr. K. L. **(The Minister of Education).**

Shukla, Shri Vidya Charan (Baloda Bazar).

Siddananjappa, Shri (Hassan).

Siddiah, Shri (Mysore—Reserved—Sch. Castes).

Singh, Giani Zail (Punjab).

Singh, Raja Ajit Pratap (Uttar Pradesh).

Singh, Sardar Budh (Jammu and Kashmir).

Singh, Shri C. Saran (Sarguja).

Singh, Shri D. N. (Pupri).

Singh, Shri Devendra Prasad (Bihar).

Singh, Shri D. P. (Gonda).

Singh, Shri H. P. (Ghazipur).

Singh, Shri Jaswant (Rajasthan).

Singh, Shri K. N. (Shahdol—Reserved—Sch. Tribes).

Singh, Shri Kameshwara (Bihar).

Singh, Shri Kamta (Bihar).

Singh, Shri L. Achaw (Inner Manipur).

Singh, Shri M. N. (Maharajganj).

Singh, Shri Mohan (Punjab).

Singh, Shri Niranjan (Madhya Pradesh).

Singh, Shri P. N. (Chandauli).

Singh, Shri Vijay (Rajasthan).

Singh, Thakur Bhanu Pratap (Madhya Pradesh).

Sinha, Shri Anirudh (Madhubani).

Sinha, Shri Awadeshwar Prasad (Bihar).

Sinha, Shri B. K. P. (Bihar).

Sinha, Shri B. P. (Monghyr).

Sinha, Shri Gajendra Prasad **(The Parliamentary Secretary to the Minister of Steel, Mines and Fuel).**

Sinha, Shri Ganga Sharan (Bihar).

Sinha, Shri Jhulan (Siwan).

Sinha, Shri K. P. (Nalanda).

Sinha, Shri R. B. (Bihar).

Sinha, Shri R. P. N. (Bihar).

Sinha, Shri Rejendra Pratap (Bihar).

Sinha, Shri Sarangdhara (Patna).

Sinha, Shri Satya Narayan **(The Minister of Parliamentary Affairs).**

Sinha, Shrimati Tarkeshwari **(The Deputy Minister of Finance).**

Sinha, Dinkar, Prof. R. D. (Bihar).

Sinhasan Singh, Shri (Gorakhpur).

Siva, Dr. Gangadhara (Chittor—Reserved—Sch. Castes).

Siva Raj, Shri (Chingleput—Reserved—Sch. Castes).

Snatak, Shri Nardeo (Aligarh—Reserved—Sch. Castes).

Solomon, Shri P. A. (Kerala).

Somani, Shri (Dausa).

Sonavane, Shri (Sholapur—Reserved—Sch. Castes).

Sonule, Shri H. N. (Nanded).

Soren, Shri Debi (Dumka—Reserved—Sch. Tribes).

Srinivasan, Shri T. (Madras).

Subba Rao, Dr. A. (Kerala).

Subbarayan, Dr. P. **(The Minister of Transport and Communications).**

Subramanyam, Shri T. (Bellary).

Sugandhi, Shri (Bijapur North).

Sultan, Shrimati Maimoona (Bhopal).

Sumat Prasad, Shri (Muzaffarnagar).

Sunder Lal, Shri (Saharanpur—Reserved—Sch. Castes).

Supakar, Shri (Sambalpur).

Sur, Shri M. M. (West Bengal).

Surya Prasad, Shri (Gwalior—Reserved—Sch. Castes).

Swami, Shri V. N. (Chanda).

Swaran Singh, Sardar (**The Minister of Steel, Mines and Fuel**).

Syed Mahmud, Dr. (Gopalganj).

T

Tahir, Shri Mohammed (Krishanganj)

Tajamul Hussain, Shri (Bihar).

Tangamani, Shri (Madurai).

Tankha, Pandit S. S. N. (Uttar Pradesh).

Tantia, Shri Rameshwar (Sikar).

Tara Chand, Dr. (Nominated).

Tariq, Shri A. M. (Jammu and Kashmir).

Tayyebulla, Maulana M. (Assam).

Tewari, Shri Dwarikanath (Cachar).

Thakore, Shri M. B. (Patan).

Thevar, Shri (Srivilliputhur)

Thimmaiah, Shri (Kolar—Reserved—Sch. Castes).

Thomas, Shri A. M. (**The Deputy Minister of Food and Agriculture**).

Thomas, Dr. P. J. (Kerala).

Tiwari, Pandit Babu Lal (Nimar—Khandwa).

Tiwari, Shri R. S. (Khajuraho).

Tiwari, Pandit D. N. (Kesaria).

Tripathi, Shri H. V. (Uttar Pradesh).

Tula Ram, Shri (Etawah—Reserved—Sch. Castes).

Tumpalliwar, Shri M. D. (Maharashtra).

Tyagi, Shri (Dehra Dun).

U

Uike, Shri (Mandla—Reserved—Sch. Tribes).

Umair, Shah Mohammad (Bihar).

Umrao Singh, Shri (Gosi).

Upadhyay, Pandit Munishwar Dutt (Pratapgarh).

Upadhyaya, Shri Shiva Datt (Rewa).

V

Vairavan, Shri A. (Tanjore).

Vajpayee, Shri (Balrampur).

Valvi, Shri (West Khandesh—Reserved—Sch. Tribes).

Varma, Shri B. B. (Champaran).

Varma, Shri M. L. (Udaipur).

Varma, Shri Ramsingh Bhai (Nimar).

Vedakumari, Kumari M. (Eluru).

Venkataraman, Shri S. (Madras).

Venkataramana, Shri V. (Andhra Pradesh).

Venkatasubbaiah, Shri (Adoni).

Venkateswara Rao, Shri N. (Andhra Pradesh).

Verma, Shri Ramji (Deoria).

Vijaivargiya, Shri Gopikrishna (Madhya Pradesh).

Vijaya Ananda, Dr. (Visakhapatnam).

Vijaya Raje, Shrimati (Chatra).

Viswanath Prasad, Shri (Azamgarh—Reserved—Sch. Castes).

Vyas, Shri Jai Narain (Rajasthan).

Vyas, Shri R. C. (Bhilwara).

Vyas, Shri Radhelal (Ujjain).

W

Wadia, Prof. A. R. (Nominated).

Wadiwa, Shri (Chhindwara—Reserved—Sch. Tribes).

Warerkar, Shri B. V. (Mama) (Nominated).

Warior, Shri (Trichur).

Wasnik, Shri Balkrishna (Bhandara—Reserved—Sch. Castes).

Wilson, Shri J. N. (Mirzapur).

Wodeyar, Shri (Shimoga).

Y

Yadav, Shri Ram Sewak (Barabanki).

Yajee, Shri Sheel Bhadra (Bihar).

Yajnik, Shri (Ahmedabad).

Yashoda Reddy, Shrimati (Andhra Pradesh).

—

JOINT SITTING OF THE HOUSES OF PARLIAMENT

The Speaker

Shri M. Ananthasayanam Ayyangar.

The Deputy-Speaker

Sardar Hukam Singh.

The Deputy-Chairman

Shri S. V. Krishnamoorthy Rao.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

GOVERNMENT OF INDIA

Members of the Cabinet

Prime Minister and Minister of External Affairs and also in-charge of the Department of Atomic Energy—Shri Jawaharlal Nehru.

Minister of Finance—Shri Morarji Desai.

Minister of Railways—Shri Jagjivan Ram.

Minister of Labour, Employment and Planning—Shri Gulzarilal Nanda.

Minister of Home Affairs—Shri Lal Bahadur Shastri.

Minister of Commerce and Industry—Shri K. C. Reddy.

Minister of Steel, Mines and Fuel—Sardar Swaran Singh.

Minister of Defence—Shri V. K. Krishna Menon.

Minister of Food and Agriculture—Shri S. K. Patil.

Minister of Irrigation and Power—Hafiz Mohammad Ibrahim.

Minister of Law—Shri Asoke K. Sen.

Minister of Transport and Communications—Dr. P. Subbarayan.

Ministers of State

Minister of Parliamentary Affairs—Shri Satya Narayan Sinha.

Minister of Information and Broadcasting—Dr. B. V. Keskar.

Minister of Health—Shri D. P. Karmarkar.

Minister of Agriculture—Dr. Panjabrao S. Deshmukh.

Minister of Mines and Oil—Shri Keshava Deva Malaviya.

Minister of Rehabilitation and Minority Affairs—Shri Mehr Chand Khanna.

Minister of Commerce—Shri Nityanand Kanungo.

Minister of State in the Ministry of Transport and Communications—Shri Raj Bahadur.

Minister of State in the Ministry of Home Affairs—Shri B. N. Datar.

Minister of Industry—Shri Manubhai Shah.

Minister of Community Development and Co-operation—Shri Surendra Kumar Dey.

Minister of Education—Dr. K. L. Shrimali.

Minister of Scientific Research and Cultural Affairs—Shri Humayun Kabir.

Minister of State in the Ministry of Works, Housing and Supply—Shri B. Gopala Reddi.

Deputy Ministers

Deputy Minister of Defence—Sardar Surjit Singh Majithia.

Deputy Minister of Labour—Shri Abid Ali.

Deputy Minister of Works, Housing and Supply—Shri Anil K. Chanda.

Deputy Minister of Agriculture—Shri M. V. Krishnappa.

Deputy Minister of Irrigation and Power—Shri Jaisukhlal Lalshankar Hathi.

Deputy Minister of Commerce and Industry—Shri Satish Chandra.

Deputy Minister of Planning—Shri Shyam Nandan Mishra.

Deputy Minister of Finance—Shri B. R. Bhagat.

Deputy Minister of Scientific Research and Cultural Affairs—Dr. Mono Mohon Das.

Deputy Minister of Railways—Shri Shahnawaz Khan.

Deputy Minister of External Affairs—Shrimati Lakshmi N. Menon.

Deputy Minister of Home Affairs—Shrimati Violet Alva.

Deputy Minister of Defence—Shri Kotha Raghuramaiah.

Deputy Minister of Food and Agriculture—Shri A. M. Thomas.

Deputy Minister of Law—Shri R. M. Hajarnavis.

Deputy Minister of Railways—Shri S. V. Ramaswamy.

Deputy Minister of Civil Aviation—Shri Ahmed Mohiuddin.

Deputy Minister of finance —Shrimati Tarkeshwari Sinha

Deputy Minister of Rehabilitation—Shri Purnendu Sekhar Naskar.

Deputy Minister of Community Development and Cooperation—Shri B. S. Murthy.

Deputy Minister of Planning and Labour and Employment—Shri Lalit Narayan Mishra

Parliamentary Secretaries

Parliamentary Secretary to the Minister of External Affairs—Shri Sadath Ali Khan.

Parliamentary Secretary to the Minister of External Affairs—Shri Jogendra Nath Hazarika.

Parliamentary Secretary to the Minister of Defence—Shri Fatesinhrao Pratapsinhrao Gaekwad.

Parliamentary Secretary to the Minister of Information and Broadcasting—Shri Anand Chandra Joshi.

Parliamentary Secretary to the Minister of Steel, Mines and Fuel—Shri Gajendra Prasad Sinha.

Parliamentary Secretary to the Minister of Community Development and Cooperation—Shri Shyam Dhar Mishra

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Vol. I No. 1

JOINT SITTING OF THE HOUSES OF PARLIAMENT

Saturday, May 6, 1961/Vaisakha 16, 1883 (Saka).

The Houses of Parliament met in joint sitting in the Central Hall of Parliament House at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

WELCOME ADDRESS

Shri M. L. Dwivedi (Hamirpur): On a point of order....

Mr. Speaker: Order, order. There can be no point of order before the proceedings commence.

Members of Parliament, I welcome you all to this Joint Sitting of both the Houses of Parliament. This is a unique occasion in the annals of, in the history of, our Parliament since its inception. I hope and trust that goodwill will prevail among all sections during the deliberations, that they will be conducted in a spirit of harmony and peace, and that as far as possible, an attempt will be made by all sections to arrive, if possible, at an agreed solution.

TRIBUTE TO MEMORY OF PANDIT MOTILAL NEHRU

Mr. Speaker: Before we proceed further with the work assigned to us for the day, I would like to pay my humble tribute, along with you, to the memory of one of the most illustrious

sons of our land, Pandit Motilal Nehru.

Today, his centenary is being celebrated all over our country, without any distinction of either party or colour or creed. Though he was born a prince, he made himself a prince among men quite early in his life. He was a lawyer and made his mark in that capacity. He was, no doubt, in those days, a moderate politician, but soon, he changed over into almost a revolutionary. Jallianwala Bagh marked a change in his career. He agreed to be the Chairman of that committee, and after he found out about those atrocities, he was easily converted and became one of the foremost disciples of Mahatma Gandhi. The manner in which he shed all his old clothes and from a prince's life began to lead a very hard life and never hesitated to go to jail as often as it was necessary shows that he was an outstanding figure, who made his mark and who has left behind him a mark to be copied by all of us.

So far as we parliamentarians are concerned, he has left his indeliable mark within the precincts of this House; at a time when the vista was bleak, and when there was absolutely no chance of dislodging the previous rulers, he, here, as a bold fighter in the Opposition, as leader of the Swaraja Party, laid strong foundations of democracy for all times to come, which we can usefully copy. May his memory be ever green!

Though he is not physically present with us, his stately figure both in his person and in his spirit is here in this Hall to inspire us. Let his

[Mr. Speaker]

spirit dominate over all our deliberations and guide us to our destination.

He could have easily lived a full hundred years to see the fruition of his efforts both inside Parliament and outside, but he did not live to see it. If, during those days, there had been a responsible government, then, on account of the many resolutions which he threw out almost unanimously and defeated the Government, he, in a responsible system of government, could have changed the Government and taken up the Ministry himself, but he did not do so. Fortunately for us, he has left and made a gift to us of his illustrious son who has taken that place and who is guiding the destinies of our land. There is not a single member of his family, whether man or woman, who did not sacrifice and place his or her all at the service of the Motherland.

He was a great statesman. He drafted a Constitution in those days. He was a bold fighter. He fought without rancour and took defeat without bitterness.

Let us follow his example today. Let his memory be kept alive in our minds. Let our parliamentarians take his lesson to heart and make this Parliament one of the, if not, the, most outstanding Parliaments of the world.

Now, let me proceed to the work before us.

DOWRY PROHIBITION BILL

LAID ON THE TABLE, AS PASSED BY BOTH HOUSES WITH AMENDMENTS AGREED TO

Shri M. L. Dwivedi (Hamirpur): I have got a point of order....

Mr. Speaker: Order, order. I am coming to his point of order.

We are meeting today in pursuance of a summons issued to all Members of both Houses of Parliament to meet and deliberate and decide upon matters of difference which have arisen between the two Houses. Formally, I shall ask the Secretary to lay the Bill over which we are going to have discussion and with respect to which amendments on points of disagreement hove to be tabled, on the Table of the House. Let that Bill be formally laid on the Table. Thereafter, I shall hear the point of order.

Secretary: I lay on the Table the Bill to prohibit the giving or taking of dowry as passed by Lok Sabha and Rajya Sabha with the amendments agreed to by both the Houses.

11.05 hrs.

POINT RE: PROCEDURE

श्री म० ला० द्विवेदी (हमीरपुर) : अध्यक्ष महोदय, आज का जो यह दोनों सदनों का मिला-जुला सत्र बुलाया गया है उसके लिये प्रक्रिया में प्रोग्नीजर में, जो लिखा हुआ है वह इस प्रकार है :

"The Secretary shall issue a summons to each Member specifying the time and place for a joint sitting.".

इसमें यह नहीं बतलाया गया कि कितने समय की सूचना दी जानी चाहिये । लेकिन साथ ही साथ ७वें रूल में लिखा हुआ है :

"At any joint sitting the procedure of the House shall apply with such modifications and variations as the Speaker may consider necessary or apropriate.".

जहां तक मेरा ख्याल है, इस सत्र का बुलाया जाना परम्पराओं के अनुकूल नहीं है । इस कारण या तो इस कार्रवाई को स्थगित कर देना चाहिये या अध्यक्ष महोदय इस पर अपना मोडिफिकेशन जारी करें ।

इस सम्बन्ध में मैं यह प्रकाश डालना चाहता हूं कि जो संसद् के सदनों की मिली-जुली बैठक के लिये नियम बनाये गये हैं, उन में कोई समय निर्धारित नहीं किया गया है कि कितने दिन पूर्व सूचना देनी चाहिये बैठक को बुलाने के लिये । लेकिन साथ ही साथ ७ वें रूलमें लिखा हुआ है कि यदि अध्यक्ष महोदय उचित समझें तो वे इसमें तरमीम करके अपनी आज्ञा जारी कर सकते हैं । अभी तक अध्यक्ष महोदय ने कोई तरमीम जारी नहीं की । लेकिन साथ ही साथ लोक-सभा के जितने नियम, धारायें और परम्परायें हैं वे इस बैठक के लिये लागू होती हैं । लोक-सभा की जो चेप्टर २ में प्रक्रिया धारा ३ है, उसमें लिखा हुआ है ।

"Provided that when a session is called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the session shall be published in the Gazette and made in the press, and members may be informed by telegram.".

मेरा कहना यह है कि यह बैठक शोर्ट नोटिस पर नहीं बुलाई गई, न किसी इमर्जेन्सी पर बुलाई गई है, क्योंकि बैठक बुलाये जाने के जो कारण हैं वे छः महीने पूर्व से मालूम हैं ।

Mr. Speaker: The hon. Member will kindly resume his seat. I have heard the point of order. A point of order has only to be stated and not argued.

The point of order that has been raised is that individual notices have not been sent to hon. Members. But I find that summons have been sent to Members.

Shri M. L. Dwivedi: The summons have not been issued in time. According to the convention of Parliament, one month's notice was necessary for issuing the summons, and that has been the practice in respect of the joint sessions held so far. That has not been followed in this case.

Shri Bhupesh Gupta (West Bengal): No notice is required. The articles of the Constitution clearly say that you have ample powers to conduct the proceedings of the House.

Some Hon. Members: The hon. Member is not audible. He may move forward to the mike.

Shri Bhupesh Gupta: I stand here to oppose the point of order that has been raised. It is dilatory in approach. In article 108 of the Constitution, it is laid down in what circumstances the President may be pleased to summon a Joint Sitting of both Houses of Parliament. The question is whether the requirements under article 108 have been fulfilled in this matter, and as far as we can make out from the summons that we have received, these requirements have been fulfilled. Therefore, on that score, no question arises so as to challenge the validity of the summoning of the session or the sitting here.

With regard to the Rules of Procedure and Conduct of Business in the Joint Sitting, it has been clearly stated in the rules that have been read out that formally, the rules of the House will apply, and the term 'House' has been defined in the rule preceding the one which the hon. Member cited. The term 'House' means in this case the House of the People or the Lok Sabha, and the term 'Council' means the Rajya Sabha or the Council of States.

Therefore, you are perfectly entitled to proceed and no question of time and no other convention arises. Even assuming that it does, these rules enable you to modify them. Modification may be by word or may be by action. I take it that when you are in the Chair, you have modified the rules by your conduct and action.

Therefore, the point of order is invalid, frivolous and dilatory, and I submit that it may rejected.

Shri M. L. Dwivedi: The Law Minister should reply.

Mr. Speaker: There is no right of reply to the hon. Member.

We are meeting today in accordance with the Notification issued by the hon. the President. He has summoned us to meet. The Secretary is is authorised under the rules which have been framed under article 118 of the Constitution to give the date and time of the meeting. The date of the meeting has been given as the 6th May. As regards the time of the meeting, we have met at 11 A.M. Further it is in the hands of the House as to how long we should sit to dispose of the business before us. I intend devoting both today and the 9th for the purpose of discussion and voting of this Bill. But if the House so desires, it can conclude it earlier; if it so desires, it may sit for a longer time, today. The rules do not impose any restriction on us in this respect. Therefore, there is no point of order.

So far as the 30 days' notice is concernd, this is not a normal session. Under the Rules of the House of the People, 30 days' notice is prescribed for the purpose of enabling hon. Members to table their Bills and Resolutions so that by the time the House meets, the Bills, may be ready, the ballot might have taken place and so on. For all these purposes, notice is required.

So far as today's meeting is concerned, notice is required only for amendments. For tabling amendments, more than 2 nays have been allowed. That is sufficient. That has been done. There has been no controversy with regard to that.

So far as the other rules are concerned, from time to time I can regulate the procedure, in so far as it is not inconsistent with the rules that have been already framed. We are not tied down hand and foot. From time to time, we can find out what rules are necessary. There is no harm in that.

श्री अ० मु० तारिक (जम्मू तथा काश्मीर) : मैं दरख्वास्त करना चाहता हूं . . . .

(میں درخواست کرنا چاہتا ہوں . . .)

Mr. Speaker: Order, order. Let us proceed with our business.

RE: MOTION FOR ADJOURNMENT

Shri Braj Raj Singh (Firozabad) *rose—*

Mr. Speaker: Shri Braj Raj Singh.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, मैंने एक कामरोको प्रस्ताव की सूचना दी थी । यह पार्लियामेंट का सम्मिलित अधिवेशन चल रहा है । जैसा कि आपने कहा, हिन्दुस्तान आजाद होने के बाद अपने तरीके का यह पहला अधिवेशन है । इसलिये मैं उसूल का एक प्रश्न उठाना चाहता हूं, और वह यह है कि जब सम्मिलित अधिवेशन संसद् का चल रहा हो तो संसद् के किसी सदस्य को यह अधिकार है या नहीं कि सरकार की किसी विफलता के लिए वह सदन के स्थगन का प्रस्ताव पेश कर सके । यह अपनी तरह का नया अधिवेशन हो रहा है और हमें भविष्य के लिए परम्परायें बनानी हैं, इसलिए मैं इस समय आपका ध्यान आकर्षित करना चाहता हूं कि मैंने जो कामरोको प्रस्ताव दिया है वह इसलिए कि दिल्ली में बिजली की सप्लाई बन्द होने की सम्भावना पैदा हो गई है । यह कहा गया है कि आज भी कुछ समय के लिए बिजली की सप्लाई खत्म हो जाएगी ।

The Minister of Law (Shri A. K. Sen): On a point of order. Under the Constitution, I object to the discussion of any matter not covered by the subject-matter of the reference. Under article 108 of the Constitution....

Mr. Speaker: When an hon. Member gets up, until he speaks out, I do

not know what he is going to say. Sometimes he gives notice. Shri Braj Raj Singh gave notice of an adjournment motion. I disallowed it on the ground that we are meeting only for a particular purpose indicated by the hon. the President. In spite of that, he wants to raise it.

He says we are meeting for the first time, if there should be an emergency, then it is open to any hon. Member to move that the business of the House must be adjourned to consider that matter. It is *prima facie* out of order. We have no jurisdiction. We have met only for a particular purpose. But he said he wanted to raise it. This is one of first impression. As soon as he concludes, I will hear the hon. Law Minister.

Shri Braj Raj Singh must conclude.

An Hon. Member: What you are saying is not audible here, Sir.

Mr. Speaker: If hon. Members maintain silence, they will certainly hear me. There is no difficulty. I am able to hear even the echo.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, अभी जो कानून मंत्री महोदय कह रहे थे, उससे मैं अपनी अहसमति प्रकट करता हूं । लोक-सभा और राज्य सभा का अधिवेशन अनिश्चित काल के लिए स्थगित हो गया है, लेकिन आपको और राज्य सभा के अध्यक्ष को यह अधिकार प्राप्त है कि अगर बीच में कोई महत्वपूर्ण प्रश्न पैदा हो जाए तो दोनों सदनों की बैठक बुला सकते हैं । यह दोनों सदनों का सम्मिलित अधिवेशन हो रहा है । मैं जानना चाहता हूं कि क्या इस सदन में किसी सदस्य को अधिकार है कि अगर मुल्क में कोई विषम स्थिति पैदा हो जाए या सरकार की कोई विफलता हो तो उसके सम्बन्ध में कामरोको प्रस्ताव पेश कर सकता है । आपकी इस प्रश्न पर रूलिंग से भविष्य के लिए परम्परा बनेगी । इसलिए मेरा निवेदन है कि आप सरकार के इस दृष्टिकोण को रिजेक्ट करते हुए व्यवस्था दें जिससे कि भविष्य में जब भी कोई ऐसा अधिवेशन हो तो पार्लियामेंट के किसी सदस्य को सरकार की किसी विफलता की ओर ध्यान आकर्षित करने के लिए सदन को स्थगित करने का प्रस्ताव पेश करने का अधिकार हो ।

Shri Raghunath Singh (Varanasi): The rule is quite clear on the point.

Shri A. K. Sen: Mr. Speaker, it is very rarely that I get annoyed with an argument which may *prima facie* seem to be lacking complestely in substance. But this is an occasion on which I feel possibly and justifiably a little annoyed, because the point which has been argued against your decision disallowing the so-called adjournment motion is completely invalid by reason of the limitation within which this Joint Session has to function. I will read only a sentence from article 108 of the Constitution. It says that when such difference occur:

> "the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notifiy to the House by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill".

That is the sole and exclusive function to discharge which we have met, to deliberate and to vote on the Bill for which the President has summoned us. Further clause 4 of that article says that all amendments which may be proposed must be relevant to the matters with respect to which the Houses haven ot agreed. So even with regard to the Bill, it is not open to anyone to propose amendments which are not relevant to the matters of difference between the two Houses.

I submit that the point which has been sought to be argued not only lacks in substance but is almost touching on the border of rivolity.

Mr. Speaker: I entirely agree. As a matter of fact, I was also of the same opinion. As this sitting of both the Houses has been convened for a specific purpose and secondly, as is enjoined in article 108 of the Constitution the scope of the amendments even is limited only to those matters of disagreement and none other will be allowed, this cannot be raised.

This is not a sitting of either the one House or the other. If the hon. Member thinks that an emergency has arisen and it has to be brought before the House for discussion, since the House have been adjourned only *sine die*, it is always open to the Houses—each House, the Lok Sabha and the Rajya Sabha—to meet if such an emergency arises. We would not be sitting idle. The Houses will meet independently and consider various matters which may be brought up by hon. Members of the one House or the other in their respective Houses. We are meeting here for a limited purpose. No adjournment motion or other motion unrelated to the subject-matter which has been referred to us is relevant for discussion. As for the hon. Member's motion, I had already disallowed it. I am sorry the hon. Member has chosen again to raise it. Because it was a matter of first impression, I allowed it to be raised. This adjournment motion is disallowed.

Shri Braj Raj Singh: Sir, may I say a word about it?

Mr. Speaker: No; I am sorry.

The hon. Law Minister.

11·22 hrs.

DOWRY PROHIBITION BILL

The Minister of Law (Shri A. K. Sen): Mr. Speaker, I beg to move:

"That the Bill to prohibit the giving or taking of dowry as passed by Lok Sabha and Rajya Sabha with the amendments agreed to by both the Houses be taken into consideration for the purpose of deliberating on matters with respect to which the Houses have not agreed."

Sir, I do so in full appreciation of the fact that the differences between the two Houses have arisen on matters where there is abundant scope for honest difference of opinion. But, I am very happy to say that the deliberations of both House have shown conclusively that both the Houses and the entire country is against the vice of dowry. About that there has been no doubt at any stage of our deliberations. All that the discussions in the two Houses have disclosed is a difference on points of view for the purpose of shaping a law which would be free from the defect of excessiveness or ineffectivtness. It is certainly true that whereas we are all eager to remove social vices we are, at the same time, as responsible legislators, quite conscious of the fact that no law should be passed, however laudable the object may be, which may be turned into an instrument of oppression. Therefore, while we shape our policy and shape our legislative enactments we take due care of the fact that what we do may not be utilised by unscrupulous persons for the purpose of abusing the processes of law. And, it is really from that point of view of reconciling these two important objectives that the differences have arisen between the two Houses.

May I, Sir, indicate, first of all, for the assistance of the hon. Members' what has been the difference exactly and what is the nature of the difference? It is well-known to the hon. Members that dowry as an institution became a social vice when it became combined with an element of coercion, and when it became a sort of bargaining for the purpose of attracting the best of bridegrooms for brides or the best of brides for bridegrooms.

The institution of dowry is of ancient origin and both in the Hindu and Mohommedan law the origin has always been from the purest of motives. In fact, the Hindu shastras lay its down quite clearly that it is a pious duty of the father and the relations of bride to present her with gifts at the nuptial time. And, those gifts have always been regarded as exclusively the *stridhan* property of the bride. In fact, in the olden days when our daughters were not enjoying the right of succession and also the right to participate in an equal share in the property left by the parents, that was the only property which they could expect from their parents. And, therefore, it was not only a desirable institution but also a healthy institution for the purpose of enabling the bride to get something, whereas by the law of succession prevalent she was prevented from sharing the properties left by her father.

But, as happens in regard to so many social institutions or semi-social institutions, this practice of dowry has been completely corrupted so much so that there is hardly any difference of opinion in the country that the sooner it is eradicated the better. In fact, many tragedies have followed from the institution of dowry, especially in the families of those people who are hardly capable of providing the bridegroom with the demands that are made from time to time.

Now, therefore, the difficult question that was posed from the very beginning was, what is this dowry that we are anxious to prevent. Is it that present or gift which is given by the parents out of natural love and affection and which is not tainted with the vice of compulsion of purchase price which is inherent in the type of dowry which we seek to prohibit. If we are not at all anxious to prevent parents from giving to their daughters what is given out of natural love and affection, then, we should take care to define what dowry we are seeking to penalise.

Therefore, the first difficulty which we have had to face from the very beginning is the definition of this word 'dowry' so that what follows is related to the definition and what is penalised is really something which we want to penalise. So, the definition of 'dowry' which was given in the original Bill was, if I may read it from clause 2 of the Bill, as follows:—

"In this Act, 'dowry' means any property or valuable security given or agreed to be given—

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;

at or before or after the marriage".

and these words are important for the purpose of understanding what type of present or gift we are seeking to penalise—

"as consideration for the marriage of the said parties, but does not include dower or *mahr* in the case of persons to whom the Muslim Personal Law (*Shariat*) applies."

It is the gift made as consideration for the marriage which we seek to penalise and not gifts which are made without being tainted with this vice of the element of purchase. Consideration means, if we would paraphrase it in ordinary language, purchase price; in a contract it is the price you pay for the promise of the other party. And, similarly, consideration for the marriage is the price which you pay in the shape of presents or gifts for the marriage. It is this we wanted to penalise and not that which is given purely out of natural love and affection and which is so common and so desirable.

As I said in both the Houses in the course of the discussions on this Bill,

[Shri A. K. Sen]

it would be a bad day for all of us if we, in our enthusiasm to prevent a vice sought to remove from our midst the most desirable thing in the shape of gifts and presents from parents flowing from natural love and affection and which every girl looks forward to at the time of her marriage. So in our enthusiasm to remove this evil, we must not confuse it with something which no one ever regards as a vice.

Now, the point that arose in course of the discussion in the two Houses was whether something given indirectly and which would be given nonethe-less as consideration for marriage would be prohibited under the Act and whether the definition was wide enough to include a gift made indirectly by way of consideration for marriage. It was in the Select Committee first that this matter was raised and the Select Committee inserted it for the first time on the 4th of November, 1959. During the discussion of this Bill, I told the Select Committee as I say even now, that the words 'directly on indirecely' only emphaise what is in the definition already without those words and that the gift will become a gift all the same whether it is given directly or indirecely. Nevertheless what the Select Committee felt—and what I consider to be quite a proper thing, with due respect to those who do not share that view—is that even if it did not mean anything these words should be there, if not for anything else at least to make it quite clear that the Parliament frowns upon every form of dowry, whether given directly or indirectly. I personally think that such a view is very reasonable,. Though it may not in substance alter the law, yet from the point of view of making its impact on popular opinion and of giving a lead to the public opinion also, this expression should be there. In this matter it would possibly be necessary to have the words 'directly or indirectly' inserted in the definition which was inserted by the Rajya Sabha and which was not agreed to by the Lok Sabha This is one of the differences on which this House will have to pronounce its verdict.

I can only say myself that I am in favour of the insertion of the words 'directly or indirectly' and I support the Select Committee and I support the Select Committee's amendment and also the Rajya Sabha's amendment supporting the Select Committee not because, as I said, I think that it will alter the law in substance but because it will have its impact on public opinion in making it clear beyond all doubt that this House along with the entire country frowns upon every form of dowry, whether given directly or indirecely and from the point of view of social education, one of the primary objects of this Bill being also to utilise it as a form of social education. It will, therefore, be necessary to have these words 'directly or indirectly' inserted in clause (2). Then, there were those who felt that nothing should be done in order even to create a doubt that *bona fide* persons or gifts were sought to be penalised.

Dr. Sushila Nayar (Jhansi): It would be better if illustrations of 'indirectly' giving gifts were given.

Shri A. K. Sen: If, for instance, I do not pay anything directly but I ask somebody else to pay or to receive for me, if I am the taker of the dowry, then it is dowry, in return to my agreeing to selecting the bride. Or, instead of my giving it directly, I make somebody else pay it to the taker so that I do not take it directly but I get something done by indirect process. There may be all sorts of methods by which the same purpose may be achieved through indirect means. In fact, it is very difficult to visualise all the forms of indirect offences which might follow as a result of the Act itself. But evasions are written into any such law and it is difficult always to make a la w so perfect and so watertight as not to allow any evasion. Let, it is necessary for the law to make it quite clear that no amount of evasion will be

outside the purview of the law itself, as I said, if not for anything else, at least for social education, for informing public opinion and to give it a lead.

As I said in the beginning, there was a good deal of opinion in the House as also outside the House which felt that in our eagerness to cure this evil, we must not do anything to prevent the parents from giving presents or gifts to their daughters as the time of their marriage out of natural love and affection, a right which is a valuable right for any daughter and also a valuable right for any parent. It will be, as I said, the most unfortunate thing if the law was designed to prevent *bona fide* gifts or genuine gifts made by parents out of natural love and affection. In fact, I have very grave doubts—I share the doubts with others—whether gifts of this nature can be, under the Constitution, at all prohibited because I personally think that it will be an unreasonable restriction to prevent the father or the mother from giving something out of pure natural love and affection to their daughter but that is a different matter. But the feeling was, in the Lok Sabha and also in the Rajya Sabha, that the definition in clause 2 might be interpreted so as to even cover gifts made out of natural love and affection and thus lead to largescale harassment. Such a spectre of policemen coming to the marriage parties or marriage ceremonies may not be ruled out completely, especially having regard to the village factions and feuds to which we are quite accustomed. It was said that just to harass a party, a policeman may be brought or proceeding might be started to mar the marriage ceremoney on the allegation that the presents which were coming were all by way of dowry in consideration of marriage and therefore, it was felt that it was necessary to make it quite clear, though I told again the Lok Sabha it was absolutely implicit and might even be regarded as fairly explicit in the definition in clause 2 which says that no gift made out of natural love and affection would be penalised and that only that gift would be penalised which was tainted with the vice of being a consideration for marriage.

Nevertheless, the Lok Sabha felt it proper to make this quite clear in Explanation I that *bona fide* gifts would not be penalised. Rajya Sabha found it difficult to accept this amendment. It was freely expressed by the hon. Members in the Rajya Sabha and also, I think, many hon. Members in Lok Sabha led by our women members mostly, that this explanation would teach people how to evade and all sorts of fake documents will be brought into existence for the purpose of convincing any court of law that what was given or taken at the time of marriage was nothing but *bona fide* gifts. I must say that that argument is not without substance. And having regard to the ingenuity of our people and also the assistance that is readily available for those who want to evade such laws, all sorts of vague documents made up for the purpose of giving such gifts a clearance as *bona fide* gifts could not be uncommon. Therefore, while we deliberate, we have to take into account these two aspects of the matter before we pronounce our verdict either in favour of retaining Explanation I or against retaining Explanation I. As I said, both points of view flow out of genuine apprehensions and both points of view recognise the necessity of eradicating the evil of dowry. And yet, from their respective points of view, they feel that the law would be much better either by the retention of Explanation I or without the retention of Explanation I. Both points of view are to be appreciated and are to be understood. I have no doubt that hon. Members will give due thought to these two aspects and consider with due care whether in the interests of safeguarding genuine gifts and the party from being harassed and from being pursued it is necessary to have an explanation like Explanation I or whether for the purpose of discouraging possible evaders it is necessary to withdraw the Explanation I from the Act itself.

[Shri A. K. Sen]

In regard to evasion, let us be quite clear that even without Explanation I, evaders would be quite plenty in number, and that those who want to evade need no encouragement from Explanation I at all. They will have plenty of encouragement either from themselves or from those who are ready to assist them. Therefore, if it is thought that the removal of Explanation I would stop evaders, I must say that I cannot share that view with all the optimism that marks the attitude of those who are in favour of removing Explanation I. Let us be quite clear that while we pass this law evasions will be there, that the system of dowry will not be removed by this Act alone but that notwithstanding all these defects, we are passing this law at least to reverse the process of social thinking so that those who think that they can with impunity and without social odium demand and take dowry may, after the passing of this law, not have that confidence and they will have the entire weight of law against them and the entire process of social thinking will start taking a reverse direction from after the passing of this law. That is the main benefit of this law and of other sections to which I intend to draw the attention of hon. Members.

Therefore, no law can be passed, for less a law dealing with a social evil which has permeated every level of our social strata, which alone can cure the evil. The eradication of this evil, by a penal law, is fraught with so many difficulties. Let us be quite clear that this law alone will not cure the social evil. Let us be quite clear also that there will be very few prosecutions under the Act by reason of the very fact that the giver and the taker would not readily come forward to lay a complaint against those who have been guilty of the offence under the law.

Mr. Speaker: I understand that many hon. Members in the back seats are not able to follow speech properly. I would like the hon. Law Minister to come a little closer to the mike. (*Interruptions*).

Shrimati Renu Chakravartty (Basirhat): Could we not increase the volume of the mike?

Shri A. K. Sen: It is very difficult to lean too close to the mike and talk. I am trying to speak as near to the mike as possible.—Now, it is better.

As I was saying, to those who think that this law will once and for all eradicate the evil of dowry, I must sound a note of caution. Let us also be quite clear that while we pass this law, we do so with the fullest knowledge that this law by itself will not cure this evil. But we do so notwithstanding all these deficiencies, because you know that by passing this law we shall reverse the process of social thinking and will bring to bear the entire weight of law against those who today demand and take dowry with impuinty and without incurring that odium and the penal consequences which the law brings. Therefore, those who think that either the retention or the non-retention of Explaination I would stop the evasions of this law are highly optimistic. As I was saying, those who want to evade this law will do so notwithstanding the penal provisions of this Act and all the known methods of evasion no doubt will either be devised by them or those who assist them. Therefore, I do not think that in substance it will make much difference either by the retention or by the removal of Explanation I. But I have endeavoured to place before the House the respective points of view and also, in doing so, I have tried to place before the House as impartially as possible the motive which impelled the respective points of view being expressed either in favour or against the retention of Explanation I.

The next point of difference is with regard to clause 4 of the Bill. This clause was in the original Bill when we introduced the Bill in the Lok Sabha. The Lok Sabha thought that this provision should remain and that it was necessary to penalise even the demand of dowry though there was

quite a volume of opinion in the Lok Sabha which felt that if you merely penalise the demand *simpliciter* it might throw the door open to voluminous proceedings all over the country at the instance of disgruntled parties who have been unsuccessful in having their daughters chosen, and every refusal on the part of the bridegroom's party will be followed by proceedings in the court of law on the allegation that the refusal was because of the fact that there was a demand for dowry which was not accepted by the party which has become unsuccessful. Having regard to our social conditions and party factions and feuds in villages this possibility cannot be entirely ruled out. I must also frankly confess that it will be easier to lay a frivolous complaint on the question as to whether a party had merely demanded a dowry or not, because in that event, the complainant has not to prove anything by way of actual payment or gift in the shape of jewellery or clothes or ornaments or cash or anything of that sort. For instance, if the complaint is that actually a gift was given or taken, the person will have to prove from what shop he purchased the jewellery or ornaments and so on and how much money he has withdrawn from his bank to pay for these things: whereas if it is a mere demand, the complainant need not put forward any such proof. He will only have to say: "This was the demand." Having regard to the penal nature of the matter, no one would demand in writing in which case it will be oath against oath without any other proof which would be necessary if we penalise only the actual taking or giving of dowry.

The second point that was urged against clause 4 was that if the taking or giving of dorwy was penalised, why penalise demand, because no one will demand unless he knows that he can take it or he can give it. It is said that penalising demand is redundant in view of the fact that the actual taking of it is penalised and demand not followed up by actual taking is not really anything to worry about What was said was, if the man knows that he cannot take it ultimately under the law, he will demand it either.

The next important point which strikes me is the question of frivolous complaints being launched at the instance of disgruntled people. I venture to suggest that having regard to these conflicting points of view, I think it will be better to penalise demand while taking due care at the same time to see that frivolous complaints are not possible, because if we do not penalise demand, I think on a question of principle, our main object will be frustrated and we shall lay ourselves open to the just criticism that we are not really serious in our condemnation of the practice of dowry, that while we condemn the actual taking or giving of dowry, we do not at the same time condemn the demand of dowry equally firmly and with equal vigour.

Therefore, Government propose an amendment of which notice has been given this morning. I know that the notice is not the normal notice which under ordinary proceedings, the House is entitled to, unless the House chooses to waive any objection to it. But having regard to the fact that we are here to find out a common basis for agreement between these divergent points of view and between the two Houses, I think a proper compromise would be, while taking into account the respective merits of these points of view, an amendment like the one which the Government have proposed this morning.

May I read out for the benefit of those who have not yet got copies of this amendment? We keep clause 4 as it is, but add a proviso as follows:

> "Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or such officer as the State Government may, by general or special order, specify in this behalf."

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The purpose of this proviso is to make it difficult for frivolous complaints being launched against persons merely on the ground that they had demanded dowry. It will be necessary to launch a prosecution to have the sanction either of the State Government or of some officer which the State Government may appoint either by general or special order.

The meaning of allowing for general or special order is this that if it is a general order, then the State Government can only appoint officers by general order by designation like First Class Magistrate or Advocate-General or Standing Counsel, and so on and it may be difficult for the ordinary man in the village to reach such officers who may be nominated by general order. Therefore, we have left it also open to the State Government to appoint particular officers by special orders, so as to meet the needs of particular areas, which may be inaccessible from the point of view of enabling persons from those areas to come and get the necessary consent from the officer designated by the State Government.

Therefore, in order to allow everyone to have the opportunity of getting access to an officer near at hand, we have allowed the State Government the option of nominating officers for this purpose by special order, so that every man may get an officer near at hand, if he wants to launch a complaint against a man who has demanded dowry. The proviso, I think, will eliminate the risk because of which the Rajya Sabha had voted for the elimination of clause 4, *viz.*, the possibility of harassment by frivolous complaints. So, we keep clause 4 as it was originally and thereby penalise the demand for dowry and by the proviso we have introduced a safeguard which will be enough, I think, to prevent frivolous complaints, irresponsible complaints, being launched by persons actuated by malice or personal grouse. I think this is a proviso which will be a good compromise, which both the Houses would find now easy to accept.

These are the three points of difference on which the Bill has now come up before a joint session. There will be minor alterations for the making the Act up-to-date. The Act was called the Dowry Act of 1960; now we are in 1961 and so it will have to be 1961. Then, instead of "Eleventh Year of the Republic" in the Enacting Formula, it will have to be "Twelfth Year of the Republic". These are absolutely formal amendments, over which we need not at all devote any time. It is with regard to these three points of difference that we have now to make up our minds to pronounce our verdict.

May I summarise, therefore, the points of difference on which we are now called upon to express our final opinion? The first is, whether we should or should not insert the words in clause 2 "given or agreed to be given directly or indirectly", as was proposed by the Select Committee, accepted by the Lok Sabha, but rejected by the Rajya Sabha. I think from the point of view of social education, from the point of view of making our voice felt all over the country without any doubt, those words are necessary, as I have endeavoured to explain in the course of my address.

With regard to Explanation I, I have tried to place the respective points of view as clearly as possible without expressing any point of view for myself or for the Government. With regard to clahse 4, I have said that it will be good to have the proviso which the Government have proposed. It is now for the joint session finally to pass this law, so that it will enable us to turn another chapter in our history of social progress and possibly also in our history for the emancipation of our women.

Though it is not directly concerned with the question of emancipation of our women, yet it is a vital step which we must take in order to see that we

do not live under a system which regards our women as possibly objects or chattle which can be bargained for with or without consideration and that they get what is due to them from their parents only on their personal rights and not because they form a burden on society or on those who are ready to give dowry to get for them what they consider a desirable match.

But I do protest when women make it a matter for themselves. I have noticed not only in the Houses, but also outside, a tendency for our women to think that they are alone in this great fight against the dowry system. We had also a few of our sisters demonstrating before Parliament House the other day. Our sisters forget that it is the man who pays the dowry, that it is the father who counts the coin and not the mother.

12 hrs.

Therefore, it is an evil which men and women are equally set against, an evil against which we are equally pledged, and the division should therefore not be on the line of sexes but on the line of genuine points of difference. Therefore, from the very beginning I would like to caution our enthusiastic sisters against making it a femininist issue. It is not an issue for the femininists at all; it is an issue, as I said, for the entire society; it is an issue for our progress; it is an issue for the whole country.

It is a matter, Sir, on which the Parliament must give a lead. I have said in the beginning that those who think that the law by itself will cure this evil are not correct, and yet the law will mark a great step in this fight against social evils of which the system of dowry is only one. In this wide and continuous process of social education, the Parliament of a free country must give the lead as it has given in so many other matters, and I have no doubt that we shall agree on a final shape of the law which will not only be acceptable to the country but which will give a good lead in our mission of socially educating the people and thereby laying the foundations for a true sanction against all social evils.

May I only remind the House that we place more reliance on the clause in the Bill which gives the bride the right to appropriate exclusively dowry given in contravention of the law, so that notwithstanding the penal provisions, if anyone takes or gives dowry the dowry so given or taken will belong to the bride exclusively, and whoever takes it will hold it in trust for the bride. This civil right given to the bride for the first time would be enforced, I have no doubt, because though possibly interested persons may not be willing to go to a criminal court to send relations to prison, yet they would be quite anxious to enforce a legal right, a civil right in a civil court, which will mean giving the bride what is her due. In that even the husband will join, as I have seen in my own experience in regard to other matters where bridegrooms have joined the brides in the fight against fathers-in-law to get the due share of the brides. There have been litigations in courts of law in which the bride and the bridegroom together have filed suites to enforce the bride's right to *stridhan* on the allegation that what was given was *stridhan* and not something for the bridegroom. They only show that these rights are capable of being enforced, and as time progresses they will in fact be progressively enforced.

Therefore, I am not one of those who think that this law will be only academic. It will be very important not only from the point of view of penalising those who commit a social evil but also giving a right to our women, which right they had not got before and which is capable of being enforced, and also bringing to bear a terrific impact on our social thinking, on our public opinion so that, I have no doubt, in years to come people who will demand or take dowry will do it only in secret and they will not dare to do it in public, and even that would not be a very long affair.

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Let us, therefore, hope that under the lead given by this House to the country, we shall in our own lifetime see the day when the system of dowry will be a matter of history and not a thing to worry about for our social thinkers and legislators.

Mr. Speaker: I shall place the motion before the House.

Shri Bhupesh Gupta (West Bengal): Mr. Speaker, Sir, the hon. Minister has made his speech. We have now been circulated a copy of an amendment.....

Mr. Speaker: Order, order. I shall come to it later. I am aware that the hon. Member wants to refer to the amendments notice of which has been given today by the hon. Law Minister. I shall come to it later. I shall now place the motion formally before the House before I come to those amendments. There are many more things to be done. I shall give the hon. Member an opportunity; there is no difficulty about that.

Motion moved:

> "That the Bill to prohibit the giving or taking of dowry as passed by Lok Sabha and Rajya Sabha with the amendments agreed to by both the Houses be taken into consideration for the purpose of deliberating on matters with respect to which the Houses have not agreed."

Now, before I call upon other hon. Members to speak, I desire to fix the time-limit for speeches. The time-limit for speeches will be 10 to 15 minutes for ordinary Members except for leaders of groups for whom 20 minutes may be allowed. I have got names of as many as 50 per cent of the Members present here who desire to participate in the discussion—a large number indeed!

There is one other thing. The scope of the discussion for which reference has been made to this House is limited more or less to these three points. The Bill was discussed threadbare in both the Houses, and these are the only matters on which some differences have arisen. Whatever hon. Members want to say, they may confine themselves to these three points in which case we can dispose of them quickly and also allow many hon. Members to participate in the discussion.

May I also ask Members how much time they would like to be given for general discussion, how much for the consideration of these three clauses in the clause-by-clause consideration stage and how much for the third reading of the Bill. If they decide that only the leaders of groups will speak, with a few others here and there, we can dispose of the Bill this afternoon.

Some Hon. Members: No, no.

Mr. Speaker: I do not want to limit the time. I am prepared to sit for another day. I understand the general desire is that we must sit for one more day. Very well, we will sit on the 9th also. Then, shall we devote the whole day today to the general discussion and take up the clauses on the 9th?

An Hon. Member: Eight hours for general discussion.

An Hon. Member: Ten hours.

Mr. Speaker: From 11.00 to 5.00 today it comes to 6 hours.

Shri T. B. Vittal Rao (Khammam): Will there be no lunch interval?

Mr. Speaker: Order, order. We will allot the whole day today and one hour on the 9th for the general discussion. We will commence the consideration of the amendments etc. on the 9th at 12.00 and dispose of them. Then whatever time is left on that day will be devoted to the third

reading when general remarks can be made on the final Bill. I think hon. Members are agreeable to this arrangement.

Now, I have received a few chits from some hon. Members saying that the practice in the Rajya Sabha has been to adjourn for lunch. I want to make one request to them. I will throw open all the lobbies for them to take lunch. Many hon. Members want to participate in the discussion. I am not going to call for a division during lunch period either today or on the 9th. Therefore, if they sit in the lobbies during that period from a distance they can hear what is going on in the House. Let us continuously sit from 11.00 to 5.00. Those hon. Members who want to have their lunch may go and come back. I will call them to speak after they come back from lunch or before they go for lunch.

Now, let us hear what Shri Bhupesh Gupta has got to say.

Shri Bhupesh Gupta: We have been just now given copy of one amendment standing in the name of Shri Hajarnàvis.

Mr. Speaker: The Deputy Law Minister.

Shri Bhupesh Gupta: It does not say any such thing. But I take it that he is a Member of this House. This is the first time that we are getting from a member of the Government an amendment of this kind. We have not heard of such a thing either in our House or, I hope my colleagues will bear me out, in the Lok Sabha. We would like to know whether it is an amendment by a private Member in his private capacity or an amendment standing in the name of the Government.

Then, you will kindly see, from the proviso it is provided that:

> "no court shall take cognizance of any offence under this section except with the previous sanction of the State Government...."

Mr. Speaker: He ought not to take possession of the House for his speech now. What is his point? I would like to know if it is a point of order. In that case, I will interrupt the proceedings to hear the point of order. Otherwise, if the hon. Member just wants to make a speech and wants me to give him time to speak, I may allow him or may not allow him; he must catch my eye. So, if Shri Bhupesh Gupta wants to raise a point of order, I am prepared to hear him. Otherwise, he must go back to his seat and wait for his turn and catch my eye if he wants to speak generally. Then he can include this point also in his speech.

So far as giving notice of an amendment is concerned, every one is equally entitled to table an amendment, irrespective of whether he is a member or a Minister. So, there is no point of order there. So far as amendments are concerned, they can be tabled by Government as much as by an individual member. That has been the practice in the Lok Sabha. There is nothing preventing him, or any other member belonging to the Government, or even a private member, from tabling an amendment. Even though he is the sponsor of the Bill, after receiving some representations, he may consider that some portion may require some amendment and he can do so. So, there is no point of order one way or the other. If Shri Bhupesh Gupta wants to speak on the Bill, I will give him an opportunity later on. Now I call Shrimati Renu Chakravartty.

Shri Bhupesh Gupta: I did not raise a point of order. But, in our House the practice is, if the Minister makes a speech and he brings an entirely new point, it is open to the member to seek a clarification so that when the speeches are made the clarification given by the Minister may also be taken into account. Therefore, the whole point is this. Can I, at this

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stage, seek a clarification from the Minister with regard to an entirely new proposition which has been sought to be introduced in the name of Shri Hajarnavis? If you will allow me to seek a clarification, I will seek a clarification as that will help the discussion that is to follow. It is for you to decide.

Mr. Speaker: I have no objection. This is only one of the amendments. Any hon. Member is entitled to table a number of amendments. A number of amendments have been circulated and this is only one amendment to clause 4. Some hon. Members have given notice of an amendment to delete clause 4. They want to vote against clause 4. Some hon. Members, on the other hand, want to retain it. Evidently, the hon. Minister wants to bring about a compromise between those two sections, one which wants absolute deletion and the other which wants complete retention. In order to avoid people from rushing to courts of law, he wants power to be given to the Government to allow or not to allow prosecution; that is to say, that no court shall entertain such a case without the previous sanction of the Government. This is an ordinary amendment which any hon. Member can move. No clarification is necessary. In the end, one or the other Minister will certainly explain this matter. The hon. Member has to wait for his turn to make his speech. Now Shrimati Renu Chakravartty.

Shrimati Renu Chakravartty: Mr. Speaker, Sir, the convening of the joint session in the history of the Indian Parliament to pass the Dowry Prohibition Bill shows that whenever social reform laws have been brought forward, they have raised the most sharp and bitter controversies, and ingenious methods have been evolved in order to delay as well to really corrode the real purpose of these Bills. In spite of what the hon. Law Minister has stated, very correctly, that this is no feminist Bill but a Bill which seeks to end an evil which every Indian wants to see removed from free India so that the men and women here have equal status and dignity, even this last minute amendment which he has tabled falls into the same category as many previous amendments which had been brought, both at the time of the Hindu Code Bill, as well as today and earlier, to nullify the very purpose, the limited purpose, of social reform laws like the Dowry Prohibition Bill.

Take this last-minute amendment, amendment No. 23, which has been tabled just now, in the name of Shri R. M. Hajarnavis. I will deal with it in detail when it is moved. The very proviso in it makes the whole thing redundant. The proviso says:

> "Provided that no court shall take cognizance of any offence under this section."

that is, the demanding of dowry—

> "except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf."

Think of our country, think of our villages, think of our densely-populated towns, think of the difficulties of litigation. If you think of this amendment in that background, it is as well if you had not tabled this amendment which had sought total deletion for the demanding of dowry will never be penalised if this amendment is there.

The hon. Law Minister, when he spoke, spoke eloquently saying that he wanted to do away with the evil of dowry but, at the same time, he did not want to pass a law which will be used as an instrument of oppression. That is the second ingenious argument which is being put forward—we do not want to pass a law which will become an instrument

of oppression. His argument is that if we pass a Bill of this nature, or the amendments which many women members have tabled—I do not know how many of them will stand by them—it will lead to harassment. I would like this joint sitting of the two Houses of Parliament, to consider: is the harassment which goes on every day in almost every middle class family, every lower middle class family, the harassment to father, mother and family not to speak of the daughter to be given in marriage due to this dowry, is this harassment more or the harassment which some unscrupulous people—one two or ten—may bring in, or they think those people will bring in, more harmful? We have a law to prevent vexatious law suits. But the two have been put on par.

I have before me here so many heart-rendering stories and many letters have come to me. I have some letters from Punjab. I was very surprised because I remember the eloquent speech delivered by our hon. friend, Pandit Thakur Das Bhargava, in which he said that whatever is given to the daughter in Punjab is kept in trust by her husband's family or her in-laws. May be there are many such families. But it is also true that from many States, including Punjab, we have heard stories of ill-treatment of women for not bringing in dowry. Only the other day, not even one month ago, from Ludhiana we heard the story of Shrimati Kamala Danda. Her life was made a misery because her parents could not pay the amounts that her in-laws wanted for the marriage. The marriage had taken place earlier and she was constantly ill-treated. Then, it is suspected, she was pushed to death from the second floor of the building. In her dying declaration she stated that this has been done because her father could not give a part of the landed property which he had. I have many such cases with me.

On this question of harassment I want an answer to the question which I am just now asking. We have passed many good legislation. We have passed a legislation by which we want to stop corruption; we have passed another legislation by which we want to stop black-marketing. Have we not passed such legislation? Are they not amenable to harassment by some unscrupulous people? I do not at all agree with the Law Minister when he says that the demanding of dowry is something on which we need not have proof. I am not a lawyer but I am sure in litigation circumstantial evidence and other types of evidence will have to be brought forward. Without that, no court is going to penalise anybody under any law which we pass in this House.

We know that laws can be utilised unscrupulously by people—not only the Dowry Prohibition Bill but other acts also—and so it makes provisions to protect people from vexatious law suits.

Secondly, I want this House to consider this. We have passed many social reform laws. What has been the practice till now? Why should we go on a hypothetical basis? I ask this House to take one by one the various social reform laws that we have passed. Is it not our contention that they have remained largely dead letters and that they have been evaded? Do we say that they have really led to harassment?

Let us take the example of the Sharda Act. I am not one of those who say that there has been no beneficial effect of the Sharda Act. I do feel that the Sharda Act did do some good at least amongst the middle-class and the intelligentsia in the cities. In the villages you do find that it is not put into effect. Under the Sharda Act you know that 14 is the minimum age. In our country it is also very difficult to prove whether a girl is 14, 13 or 12 years of age. If vexatious suits were not brought in a very large number under the Sharda

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Act, I say that vexatious suits will not also be brought under this.

Why do I say all this? The hon. Law Minister said that in our society there is so much tussle for a boy who is earning well. We have now categorised our boys. For a B.A. pass boy the demand is for Rs. 10,000, for a B.Sc. pass it is Rs. 12,000, for an IAS it is Rs. 25,000 and so on. We have put them in various different categories on the money market for marriage. Now the argument is brought forward that when this is the system we are not going to get good boys for our daughters.

My point with regard to this question of harassment is this. If really we think about it, can anybody say that in our society fathers who have daughters to get married and their relations do not hesitate ten thousand times before they go to courts of law? At least I can say that even in spite of every humiliation they try to keep away from law courts because they have to get their daughters married. Today I may have failed to get my daughter married to A, I may be very angry about it and I may want to enter into a law suit. But I know that tomorrow I have to go to ten other families and seek the hand of their sons for my daughter. This will be the greatest deterrent and the biggest difficulty for us social reformers to say to parents, "Go to the law court and try to prove your case". They come to us and tell us, "We will not go to a law court. After all, even though I am dissatisfied, tomorrow I have to get my daughter married. Where will I get a family which will agree to give me their son when they know that I have gone to the court of law?"

This is the reality. It is not a question of harassment. It is a question of people wanting to evade. They are permitted to evade because we have not got that social concept. Secondly, we have a hatred for going to courts of law because it is a social stigma. That social stigma is the greatest deterrent against vexatious law suits. Therefore I find absolutely no weight in this contention made by the hon. Law Minister.

Mr. Speaker: There is too much of noise in the House. Unfortunately, the acoustics of the House are not quite good; but if added to bad acoustics there should be talk also carried on by hon. Members, we do not hear anything. Therefore may I request hon. Members that if they want to talk, the lobbies are open to them and they may go there for a talk?

Shrimati Renu Chakravartty: Therefore this question of harassment should not be brought forward. It has not much of a validity. Our law courts are there against vexatious law suits. Secondly, the difficulties and the social stigma attached to going to law courts in social matters like marriages are enough deterrents. The question is how to fight evasion. The question is not of harassment.

Why do we want that the demand of dowry be made punishable? To many of us this seems to be one clause which has some limited worth in this Bill, because once the daughter has been given in marriage, once she is married, and the dowry has been given partially or fully, it is next to impossible for the good of the daughter to go to a court of law. No sane mother or father in the existing circumstances will go to a court of law. Therefore the stage of "demanding" is the stage where we may sometimes be able to stop this haggling and, what I call, the almost market auctioning of the bridegroom that goes on.

I would like to read out for the good of our hon. Law Minister a letter which I have just now received from an honorary magistrate in Maharashtra.

Shri A. K. Sen: I have got thousands.

Shrimati Renu Chakravartty: He writes to me saying:

> "I do not have a copy of the Bill but I read in press reports that the ladies are trying to press the clauses regarding the penalties for demanding of dowry. As one vitally interested in varieties of marriage cases and the need for reform amongst us, I consider the clauses very necessary."

It has just now come and it is a magistrate who has written to me. He goes on to say:

> "Their exclusion will defeat the very purposes of the Bill. Demanding dowry is demanding an illegal gratification and giving presents is like satisfying it. The whole system is based not merely on offers but on the initiative of demands. All initial negotiations start with and are ordinarily frustrated by the demands of dowries and of heavy presents or through subsidiary systems. I wish your efforts every success."

A magistrate has written this letter.

I would like this House to consider that if dowry is to be made penal and is to be regarded as a crime, why should an attempt at that crime also not be made penal? Not only murder but an attempt to murder is also made a penal crime. Then why should in this case only it be said that this will lead to harassment? We, political workers, know that such things as harassment do happen for purposes of political vindictiveness. We have cases brought against us of dacoity. We are charged with dacoity and culpable homicide. All these things are brought in. We know that such things do happen. My point is that we do not want to make harassment one of the main aims of this Bill, but at the same time we do say that if you do not make this demand of dowry a penal offence how are you going to stop such humiliating conditions where a bridegroom is brought to the *mandap* and it is said, "You must give a radio. You must give a car. If you do not give that, I want so many more suits and so many thousands of rupees more." Is that not demanding? He has not taken it but he has demanded it. So I say that this is a most important clause.

What has our hon. Minister done? Under pressure of public opinion, or shall we say the opinion of the majority of the women hon. Members of both the Houses, he has said, "Yes; we can make it penal", but he says that no cognisance of this offence will be taken except with the previous sanction of the State Government. I think he should have been quite honest and said, "By our whip we are not going to permit this clause" instead of going about in this back handed way. He has explained it further which, I say, is even worse because he says that in inaccessible areas where there are no officers, by a Government notification they may specify this on our behalf.

When we had a discussion about 24 hours ago, although I was not in favour of it, I was prepared for this compromise, of leaving it to a court of first class magistrate. Do not leave it to a State Government; do not leave it to be specified by a general or special order; do not leave it to special officers. We have done it in the case of the Divorce Bill, of the Marriage Bill. Here it is advisable to leave it to the court of a first class magistrate if you must. If you so desire, make it dependent upon preliminary enquiries by him, but please do not make it an impossible thing by the special order of a State Government.

Now I find that the Deputy Minister of Law has brought forward this amendment. I feel that this completely nullifies the very idea. Every time this question of harassment is brought as an excuse. When we demanded cognizability, we were told that there would be harassment. We were told: you known our police; they would go and harass every marriage party, so do not ask for cognizability. We know that without cognizability, no social reform can be implemented. Our social consciousness has not advanced

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to that extent. Yet, many of us inspite of the fact that we wanted cognizability, agreed to the suggestion and said; all right, for the purpose of this Bill we shall not press for cognizability, as it is said that it may lead to harassment.

Now, again, another argument is being brought forward that demanding dowry should not be made penal because that also would lead to harassment. This is a move to kill even the small benefit that we propose to give through this Bill.

There is one more amendment: that is regarding Explanation to clause 2. I would like to point out that many hon. Members here, like Pandit Thakur Das Bhargava, were very much agitated that the definition as it stood would not cover gifts, bona fide gifts. Now we have all got children. We will give them gifts or presents during marriage. It will be a happy occasion and all of us would give what we can. The rich will give more; the poor would give what they could afford. We do not want to penalise them. It was made amply clear by the Law Minister that if it is not in consideration of marriage, you can give anything. There was a stage in our Bill when we had set a limit, in terms of money for giving gifts and if you read the Andhra Bill, you will find it is there also. They have put a limit of Rs. 300. But I am sure there will be many many people in this House and certain richer sections of our society who would say that three hundred rupees is nothing and that it is something which they could not think of even. There are some friends who have suggested Rs. 50, Rs. 51, or Rs. 100. I am prepared for that. But if you want to insert an explanation that cash, ornaments and jewellery would be outside the dowry, it would be very difficult to impose any punishment under this Bill. "In consideration of" are the words which are of importance. Already it is difficult enough to prove. The onus of proof is on the complainant and not on those defending themselves. If on the top of this you want an explanation, it would only lead to prolonged litigation and you would be making it absolutely impossible in any case to have any sort of punishment for taking of dowry.

I would in this connection like to read out what Shri Kaleshwar Rao said when the Andhra Bill was before that legislature. He said that the object was to prevent the bridegroom from compelling the parents of brides to part with large sums of money under duress or coercion, and jewels or other property given to the bride by the bridegroom's party was not prohibited.

The wording there is very clear. It clearly states "in consideration of". But if you want to add that presents should be excluded you must accept a limit of say Rs. 300. In our country it is the middle classes and the lower middle classes who are suffering the most and who need protection. The rich can always afford to give. That is why we are against this and want this explanation to be delected.

Lastly, Sir, I wish to say that daughters should have a right to something which their father leaves in form of property. An equal share should be left for the daughter as is done for the sons. When we demand an equal right they say: take it from your hubsand's property. So many arguments are brought forward. We want that we should have in our own rights as a daughter an equal share in the property of the father. Do not deny that. It is in our right.

In conclusion, I would like to say that we consider dowry to be an indignity, leading to so many suicides and so many deaths. Unfortunately, the law does not go very far. That is why we are agitating over this Bill. At the Communist Party Congress at Vijayawada we passed a resolution saying that it is the duty of every

communist wherever they may be to fight against this evil, to rouse people against this evil. We hope that the Congress Party and all political leaders and social reformers will take this up and organise social boycott of people who take dowry and will not go to their weddings. This is the only way by which we can rouse public opinion. This is the only way to eradicate the evil of dowry system.

Shrimati Renuka Ray (Malda): Mr. Speaker, Sir, standing here on this historic occasion when for the first time the two House are meeting in a joint session, I am reminded of a much earlier time when we met here to discuss and enact the Constitution of this country, a constitution within which the fundamental rights that there would be no discrimination on grounds of sex or any other grounds, disabilities like untouchability would be punishable, etc., are enshrined.

Sir, I am mentioning this because we all realise today that while we believe in certain things while we have enactments and legislations supporting these as indicators of things that we want to do, these would not be achieved until there is a change in the heart of society and until social consciousness aroused. Today it is a strange anomaly that in a country like India, while the census shows that the number of women is much lower than the number of men and if the law of supply and demand were to operate in the marriage market, it would be the women who would be sought after, due to social restrictions, the whole thing operates the other way. The tragedy is that even after our marriage laws have been changed, property laws have been changed and women are coming into their own in many ways, the evil of dowry system stil persists.

Now both the Houses are agreed that dowry should be prohibited. We are meeting today, to decide as to how to give affect to it, because there has been some difference of opinion between the two Houses.

I do feel that while social legislation can never fully achieve its objective, and knowing—as the last speaker has already pointed out—the consequences that followed the Child Marriage Restraint Act and how long it has taken for it to be operative among the middle classes in this country, and knowing also, as I said earlier, the fact that while untouchability is a crime against the Constitution, we find when we go round the country that there are areas where it still persists, in spite of all these things, such laws are necessary as an indicator, as a pointer towards what society means to achieve towards those objectives which society believes should come in. And although social thinking is progressing towards that end because of certain customs that prevail, the majority of men and women find it difficult to overcome them. If legislation comes in, it may not be entirely operative, but it will at least bring about a certain improvement, it will be a pointor and it will help many who do not wish to pay dowry.

First of all, we must make the measure as operative as possible. The Sharda Act did not make child marriage a cognizable offence. Of course, today it is not within the purview of this discussion because this was not one of the points of difference between the two Houses, but some of us desired that an offence under this should be made a cognizable offence, because that is the only way in which it could be made fully operative. But since it has not been done, we must see to it, to the extent possible, that this Bill as it stands becomes operative and fully effective. I am glad that the Law Minister has himself pointed out that the retention of the words "directly or indirectly" in the Bill is essential. I am not going into details on this point; because, even though the Lok Sabha had not agreed to it in the second instance, I think that the majority of the Members of both Houses are in favour of the retention of the words "directly or indirectly" in the definitions clause. I do not intend to labour any argument

[Shrimati Renuka Ray]

on this behalf because I do not think there is really much difference on this point.

Then comes Explanation No. I, which was put in by the Lok Sabha and deleted by Rajya Sabha. And may I say that, unlike Shri P. N. Sapru, I do not stand up for the prestige of the House that whatever we may have done we must stick to? Shri P. N. Sapru, while he was speaking in the Rajya Sabha asked: "When the Rajya Sabha has passed certain things, how dare the Lok Sabha change them?" That was his main argument against it. I want to say that on a careful consideration I feel it is quite right, and I think the Law Minister when he spoke made it clear that he also felt that the Explanation No. I, if it remains, is likely to vitiate from the effective operation of this clause.

Shri P. N. Sapru (Uttar Pradesh): The Law Minister made no observation of that character as far as I remember. He took a neutral line in regard to that.

Shrimati Renuka Ray: He first pointed out that he felt that if this remains—anyhow the Law Minister is there and he can speak for himself—but as far as I understood him, he first said that he felt that if the Explanation was there the Bill would be less effective. And I think that the Explanation is quite unnecessary.

What is the purpose of putting this Explanation? It is obvious that presents that are not dowry, presents that are given not in consideration of the marriage but because the parents wish to give them out of natural affection, have nothing to do with dowry which is a coercive measure as understood in this country. Dowries are of many kinds; but dowry as understood in India has only one meaning. It is a compulsory measure, it is a coercive measure, in the sense that the parents of the bride—or of the bridegroom in some sections of society —have to pay the dowry. That is the element of compulsion. Where there is no element of compulsion, if rich parents wish to give their daughter presents, I do not think that the matter can be confused with the payment of dowry where the element of compulsion comes in and which is a precondition of the marriage. So I do not think there is any point in keeping the Explanation. I would humbly submit to the House, particularly to those Members who have some doubts about this Explanation, that if it is not there, there might be some difficulties, and where the parents would like to give their daughters some presents, that imght also be affected, that if they read through the Bill carefully they would see that there is no room for such a fear because it is not operative in that manner.

But this factor, however important, is not so important as clause 4 of the Bill. Clause 4 of the Bill is one which the Lok Sabha did keep and which the Rajya Sabha deleted. I hope Shri P. N. Sapru will give this the same consideration as I have given to the Explanation which the Lok Sabha wanted to retain and the Rajya Sabha wanted to delete, and I would like to say that the Lok Sabha which may not have the wisdom or the maturity of the Rajya Sabha can claim to be the House where sit the representative of the people, can claim that they do have something to say, that they too can give some consideration to these matters, however, lacking in wisdom they may be. Perhaps they know something of what is happening in the day-to-day affairs in the remote villages and so on, and perhaps my hon. friend and others who think like him will give this some consideration.

Why is clause 4 of the Bill so important? Because it is at the stage of demanding a dowry that negotiations take place for dowry. If we want to stop the custom of dowry, are we going to stop it after the dowry has

been paid? After the marriage has taken place, is the father or the mother going to bring, against the daughter's interests, cases against the father-in-law of the daughter or against those who have taken the dowry in this behalf? Is that a possibility? It is very unlikely. You may say it is equally unlikely—not equally unlikely but it is not very likely—that at any stage cases will be brought. The last speaker has referred to this. I do not want to go into the details. The Shadra Act has been there on the statute-book all these years. But how many cases have there been? It is true, because it was not cognizable. How many cases have there been where people have gone to the law court over this social legislation? And so far as those who have given dowry are concerned, they wil certainly not go.

So it is only at the demand stage that it can be done. There is some possibility of doing something only at the stage of demanding of the dowry, which is very unseemly, when tragedies occur. It is at the stage of demanding dowry and when the negotiations break off that these tragedies occur. Shrimati Renu Chakravartty told this Joint Session just now that she has received letters about this. We have all received letters from many parts of the country. There is no time to go into all these. But there is one point, and that is this. It is at the negotiation stage that some restraint should come against the demand of dowry. Because, when the negotiations fail, what happens to the daughter? She becomes an object of ridicule and even ostracism, and very often she cannot be married off again? This still persists: the marriage arrangements are all complete, the invitations are sent out, but because the demand of dowry is not being fulfilled, the negotiations fail. I think it is this stage which is most important, and for this purpose it is essential that this clause should be retained.

The Law Minister has suggested a proviso to this clause. It is a proviso which we have to study and to take into account, because there are some people in this House who have a fear that there will be harassment in courts in cases where after the demand for dowry is made, the negotiations break down, and because of the failure of getting the daughter married, the parents may feel frustrated. The last speaker met that argument, but what is even more important is that while the negotiations break down, there is very little chance even of the negotiator going to courts of law. But, since there is some suspicion and some lurking fear in the minds of many of our Members, and since we are here to effect some kind of agreement, it may be necessary to prescribe that flimsy complaints should not be entertained. I, do not think that flimsy complaints can be entertained in any case, but to give that assurance to the people and to make assurance doubly sure, certainly, if that is the feeling amongst the Members, we can accept some kind of proviso here. The Law Minister has tabled an amendment,—or rather, it is in the name of the Deputy Law Minister,—which reads thus:

> "Provided that no court shall take cognisance of any offence under this section except with the previous sanction of the State Government or of such officers as the State Government may by general or special order specify in this behalf.".

I would suggest that it should also be added to this, if that is possible, that "the rank of such officers should not be above that of a first class magistrate, and wherever necessary, even officers of lower status should be specified." This is particularly needed in the remote and inaccessible areas from where it is difficult for people even to come forward in front of a first class magistrate. I hope that with some slight change and alteration, the Law Minister's amendment will be accepted by the House, not because I feel that it is necessary, but only because I feel that it will bring about a measure of agreement, on a measure which is, after all, only an indicator of what we want.

[Shrimati Renuka Ray]

In these days of dynamic changes, it is surprising but true that in India, we still have a system where women are sold almost like chattel and we must come to a stage when this will go out, and all we can do here in this joint sitting is to make this legislation as effective as such social legislation can ever be.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I am grateful to you for calling me to speak on this occasion. I have myself, for rather a special reason, felt the urge to say a few words, although frankly, I have nothing very special to say. The subject has been argued, and I believe that, in so far as the main purpose of this Bill is concerned, there is hardly any doubt or difference of opinion; in regard to stresses, emphasis or some implications, there might be some difference of opinion. Therefore, it is not really necessary for me or for any one of us to argue on the merits, as one might say, but, as I said, I felt the urge to associate myself with this occasion, not merely because it is the first joint sitting, but because it is a continuation of the series of social legislation that from time to time our Parliament has indulged in.

Of all the various important measures that this Parliament has passed during the last ten or twelve years, I do attach very great importance to the legislation passed in regard to marriage, divorce etc., and I think that that was a basically important thing. It touched our social life; it touched our customs; and it was always a difficult thing to do that. nevertheless, this Parliament did attempt to do that. People may criticise and say that they are not always being given effect to, and there is evasion and all that. That is true. But, it was, I think, a highly important thing that this Parliament did, in so far as social reform is concerned, and more especially, in so far as the women of India are concerned, it was a piece of legislation which helped to some extent to liberate them from old bondage, because there is no doubt at all that in spite of the very high ideals that we may have and which our history gives about our women, the fact of the matter is that in social life, social custom, social law etc., they have been burdened by many things which have prevented their growth. Of course, today, other things are happening to relieve them of these burdens, and probably the most important thing of all is not even the laws that this Parliament may pass, but it is the processes of education that are spreading so fast all over the country, even in the rural areas. That is a great liberating and revolutionary factor than almost anything. But all this has to be encouraged and helped and pushed on by legislation.

Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential, so that it may give that push and have that educative factor as well as the legal sanctions behind it which help public opinion to be formed or public opinion which is being formed to be given a certain shape.

Therefore, I think that this piece of legislation, obvious as it is, and almost accepted by everybody, is necessary. As regards this question of dowry, I look upon it more from the point of view of liberating our womenfolk than from any other. I do not know what statistics say or what the census reports reveal. But I remember the great shock that I had, when many years, ago, I think it was in the course of the discussions on the old Hindu Code Bill or in the report on it, the fact was brought out—it was, I think, in regard to Saurashtra—that there was an average of one suicide a day among girls there, one suicide a day. There may be many reasons for that suicide, of course, but the fact that in a part of the country like Gujarat, which is considered to be, and rightly so, as one of the more

advanced parts of India, educationally, socially and economically, there should be this vast number of suicides came to me as a tremendous shock, and I wondered what the rate would be in the other parts of the country, because these things do not come out into the public; they seldom do. And what of those who do not commit suicide but go through some kind of tyranny which is worse than death, throughout their lives? I was horrified when I thought of that, and if anybody seeks to justify this on the ground of old custom and all that, I think he does grave injury to the whole social basis of our society. If such a thing is justifiable on any basis, that basis is completely wrong and should be uprooted. So that is my broad approach to this problem.

13 hrs.

So as a small element in dealing with this problem, a very small one, I admit—because the problem is a much bigger one than this and it can ultimately be solved only by educational and economic advance—this legislation is helpful. I am glad to see that this is being tackled educationally. A silent but widespread revolution is taking place, as our girls and women go to school and college and come out, more especially those in the rural areas. I welcome, that, realising of course, as every one must realise, that when you uproot any kind of old system, much good is done and some harm also follows. Some upsets follow; that is inevitable. We have to face that. We cannot, for the risk of possibly having to face some harm, individual or group, hold on much to a harm which is a continuing one. That is the normal outlook, because we are accustomed to the evils we suffer from and we do not react to them, because we see them daily and think they are in the order of existence. We always see other people's evils because we are not used to them. Therefore, we should not be afraid of taking any step because it might, in individual or odd cases, function in a way that is not wholly desirable. We must take a larger view of it.

So far as this Dowry Prohibition Bill is concerned, I do submit to this House that it is a step, an important step, in the right direction, and it will, by and large, remove a certain burden. It will naturally relieve vast numbers of families of a certain burden. Everyone knows when a question of marriage occurs, all kinds of demands are made from our middle class people, lower middle class people or any middle class people, and may be in the rural areas, too. I do not say this will certainly put an end to it, but I think it will be a powerful factor to that end. People will hesitate to make these demands. Secretly they may do so. So I welcome this and I shall be very happy when it is passed, as I am sure it will be, by this joint session.

Now, the points before this House for argument are very limited. In clause 2, there is the question of addition of the words 'either directly or indirectly'. In think it is desirable to accept that amendment and add 'either directly or indirectly' to clause 2. In a sense, of course, it may be said to be slightly redundant, because these things are supposed to be taken for granted. But it is better to be clear on this issue. Therefore, I submit that we should accept that amendment.

Then comes the Explanation. Now about the Explanation too, as it is an explanation, presumably it is included in the original. But to avoid any doubt—it is obvious that certain personal gifts to the daughter or the other party cannot be considered as dowry—it is put in there. That is all that it says. It spells it out a little more. If you like, you may have the Explanation or you may not. But the essence of the Explanation is in the original, and to spell it out may not do much harm. If you do not like, it, do not have it, but the fact remains, whether you have it or not.

[Shri Jawaharlal Nehru]

Coming to clause 4, as the House knows, an amendment has been proposed by my hon. colleague, Shri Hajarnavis, to add a proviso to it. An hon. Member has criticised that proviso. I think he possibly misunderstood this proviso. She thought that this was a major obstruction in the way of this being done. If everything has to be approved by the State Government, of course it becomes so cumbrous and difficult a procedure that nobody can take advantage of it. That is obvious. How can a poor villager go to the State Government or the Advocate-General to ask for permission? If that was so, I would strongly oppose it. The whole point is that one has to keep a balance between two things. One is not to make this a method of pure harassment, any person bringing it in. There should be some kind of slight check on it; at the same time, the check should not be such as to check it completely or very much so. It should be an easy method, only a small check. The The proviso says that the State Government—that is the way of putting it—or an officer appointed in this behalf may by general or special order specify in this behalf. What does that mean? General order means, let us say, that every First Class Magistrate can do it. That is a general order—not appointed for a particular case but generally. A special order may be in regard to a particular area, whatever it may be. The point is to make this easily accessible, and yet have some kind of check there. I think, considering everything, the proviso is a desirable one, as I think that clause 4 is a desirable one and we should adopt it *plus* the proviso, because there is truth and substance in the argument that if you leave out clause 4 completely, you take out the main backbone of this Bill. Therefore, I should like clause 4 to be there, but I think the proviso sought to be attached to it removes one kind of objection some Members have raised. As such, it should be generally accepted. taking the two together.

Shri Goray (Poona): Will the Government have objection to putting it very clearly that a First Class Magistrate will be empowered in this behalf, instead of stating it in a general vague manner?

Shri Jawaharlal Nehru: How can he say First Class Magistrate? I may have a Second Class Magistrate or a Third Class Magistrate doing it. How can you put that in a Bill?

Shri Goray: In many Acts it is said 'First Class' and 'Second Class'. It is not something that is new.

Shri Jawaharlal Nehru: I do not really think we can do that.

Shri Akbar Ali Khan (Andhra Pradesh): We can say 'Judicial Officer'.

Shri Jawaharlal Nehru: Why should we limit it to one party? Why not give the widest possible scope? For instance, we are going to have panchayat raj. We may say the Pradhan of the panchayat or Sarpanch may do it. I am prepared to have that. But the moment you put it down, you limit it. You are not extending it. I think it will be a very good thing if the head of the panchayat in a village is authorised to do it.

Shrimati Renu Chakravartty: We are not willing to leave it to a Sarpanch, but we will leave it to a court not higher than that of a First Class Magistrate. That will be keeping it wthin easy reach. We should not leave it to the Serpanches in whom feudal prejudices are there to a greater extent.

Shri Jawaharlal Nehru: May be. Let it be First Class Magistrate. But I do not think you improve this legislation by limiting this thing. I do not thnk it is particulary easy to reach a First Class Magistrate for this kind of thing.

You are, at the present moment, possibly thinking that the State Gov-

ernment may not function, let us say, in all honesty in this matter. That is, it may be opposed to it. If a State Government wants to function in that way, the word of the law will not make much difference. It may delay matters by way of procedure. But I do not think there are State Governments—whatever may be your differences with them—who will in this matter proceed in a way of delaying or obstructing, because this is a general feeling among all. I admit that possibly, as the hon. Member pointed out, sarpanches etc. might take a more conservative or reactionary view. There is a possibility of that, although the new serpanches are somewhat different from the old and they no doubt go on changing.

I do submit that this matter is one of drafing really. The draft was prepared with some care by our Law Ministry after the fashion of drafts. One may not put odd things in drafting which create controversy in interpretation of law. The real purpose of the draft was to give the largest scope. That is, it should be made easy for those who want such a remedy to get somebody to give it. That is the whole purpose of it. It was not supposed to be limiting one.

It is better to have some kind of clause which might have that little check because, otherwise, there is the possibility of this being misused by mischievous persons. I have no doubt that when you pass this Bill there will be people who misuse it and try to evade it. That is so. That is particularly so in every piece of legislation. But, I think, on the whole, as it is with the amendment suggested, it is a very substantial advance of which this House when it has passed it, may well be proud.

Shri P. N. Sapru: Mr. Speaker, Sir, it is some what difficult to speak critically about this measure after the very distinguished pronouncement of the Prime Minister that this measure is a good one. I hope I shall not be lacking in courtesy to our great Prime Minister if I venture to differ from him in some respects in regard to this measure.

Let me, first of all, Mr. Speaker, make it quite clear that I am an enthusiastic supporter of all women's causes. I would like them to develop a radical outook towards life; and I would like our socia problems to be viewed in a radical spirit. But, I do not think that radicalism means ill-advised legislation. And my grievance against this Bill is that it sets before us a wrong ideal.

You may abolish dowry by legislation; but you will not, by doing so, make girls get married. Your object is to see that the get married. If a girl has got looks she will get married. If a girl has some property she will have better chances of marriage than other girls. You cannot equalise the opportunity for marriage so far as girls are concerned by abolishing the institution of dowry. It must not be assumed that I am for retaining the institution of dowry. I know dowry is a monstrous evil. But the question is whether legislation is the proper method of tackling this problem.

There is one clause in the Bill which I think is a good one and that is clause 6. Apart from that, I find that we are trying to tackle the problem in the wrong way. I think the ideal should be to allow parties to choose their partners in life. This system of arranged marriages should go. You have this institution of dowry because you have this system of arranged and caste marriages. If you can do away with arranged and caste marriages, if you can have move a society in which young men and young women have freely and choose their own partners in life, the problem of dowry will not present the proportions it does in our country.

The second thing is, do not look upon marriage as universal. Our principal difficulty is that we think that marriage is essential for every woman. It should be left to the-

[Shri P. N. Sapru]

option of a girl or a young man to decide whether she or he would get married, and, if so, when and to whom. If these two things are done, I think, the evil will be tackled in a manner which is consistent with modern ideas.

Let me now, after making my position clear, come to the main differences between the two Houses. It is true as Shrimati Renuka Ray suggested that I advised or I told the Rajya Sabha that we should stick to what we have done. Personally, I am not enthusiastic about what we have done in the Rajya Sabha because if I had my own way I would have nothing to do with it in its present form. But the question is, what should we do now in this Joint Session? We have to consider in this Joint Session the amendments on their merits.

So far as the merits are concerned, the first difference is in regard to clause 2. The words 'directly or indirectly' are sought to be introduced in clause 2. I think thehse words are of a redundant character. When you say—

> "'Dowry' means any property or valuable security given or agreed to be given—"

the words, 'directly or indirectly' are there The insertion of the words 'directly or indirectly' is therefore merely redundant. It will only make the Bil, from the drafting point of view, more defective than it is. I do not think you need to insert the words 'directy or indirectly'. They are implicit in the clause as it is to be found in the Bill.

Dr. W. S. Barlingay (Maharashtra): But don't they lend emphasis to the whole point?

Shri P. N. Sapru: In lending emphasis you create difficulties so far as interpretation by courts is concerned. Why make explicit what is implicit?

Then comes the question of Explanation. From my point of view it is immaterial whether you have this Explanation or you do not have it. Because, as I said, in the Bill as it stands, the presents made at the time of marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry unless they are made as consideration for the marriage of the said parties. The most material words are, 'as consideration for the marriage of the said parties'.

I may give my daughter any amount of cash or ornaments; and that would not bring me within the mischief of this clause unless there is a prior agreement implicit or explicit that these gifts are being given in consideration for the marriage of the parties. Unless the gifts are given for the purpose of enabling the marriage to take place, these gifts will not be covered by this clause. Therefore, I think, the Law Minister was quite right in taking the line that he was more or less not concerned as to whether Explanation I remains or does not remain part of the clause. Explanation I neither improves the Bill nor will it make it worse. But I think it may be desirable to have it because Explanation I emphasises that there may be some doubts and in order that these doubts may not exist we are making something clear which is implicit in the Bill.

I would now come to clause 4 and here I must say that I find it very hard to understand how this demand will be proved or established in a court of law. There will be oaths against oaths. Unless there is some documentary evidence to support parties, it will be very difficult to prove the factum of the demand. What you will do is to open the flood gates of perjury in your law courts. You are giving encouragement to people to go to your courts of law and to perjure. I think it is undesirable, therefore, to make demand an offence.

So far as the parent or guardian of a gentlemanly type is concerned, he will not go and complain before any magistrate and say that so much was demanded for the marriage of his daughter. He will keep quiet because if he has other daughters to get married he will feel that it may be difficult thereafter for him to get any decent man to agree to marry his daughters. So far as the blackmailer is concerned, so far as scoundrel is concerned, so far the as the scum of the society is concerned, he will untilise this opportunity to harass someone who, he thinks, has slighted him by not agreeing to accept his daughter in marriage. Therefore, I think there will be many frivolous complaints. I think the Deputy Law Minister was wise in suggesting a modification of the provisions in regard to the procedure to be adopted to the effect that when a complaint of this character is made by one of the parties to the marriage negotiations, the complaint should in the initial stages be considered by the State Government. The relevant amendment reads as follows:

> "Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf."

I think this will be a healthy course. There are many enactments under which action can not be taken without the permission or sanction of the State Government. If you go through the Criminal Procedure Code or the Indian Penal Code, you will find that there are laws in regard to which it is laid down that before you can take action under those laws, you must have the sanction of the State Government or you must have the sanction of someone authorised by the State Government to act on its behalf. Therefore, it is a salutary provision. If we are going to penalise the demand, let us at least modify the rigour of clause 4 by adding this rider which has been suggested by the hon. Deputy Minister of Law.

One reason why I feel a little diffident and not very enthusiastic about this Bill is that in my opinion legislation should be such as can be easily enforced and effectively enforced. Laws should not be brought into contempt by being ignored. Reference was made to the educative aspect of this Bill. I am a great believer in that and I think the Sarda Act has done a good deal of educative work. But I think it might have been more effective if there had been a clause to the effect that any marriage of a person below the age of 14 or 16—whatever be the prescribed age—contracted in contravention of the Act shall be null and avoid. The marriage itself should have been declared void. Had we taken these drastic line, I think that Act would have worked better. But I think there is a difference between the Sarda Act and this Dowry Prohibition Bill. Here you are making the demand of dowry illegal.

A man may very well say in the course of a conversation: well, what is the status, what is the property that the parents have got or how much do you think the parents are likely to give their daughter at the time of marriage? This remark might have been made quite innocently, just as a matter of curiosity. A remark of that character will bring a person so doing within the mischief of this Bill. That is the difficulty which I feel with respect to this Bill. And as I said, I am not at all enthusiastic about this Bill. It has been promoted and discussed in Joint Session. I know that we have to pass it in some form or other. But I venture to think that the path indicated by it is not that path of social reform which we want to see effected speedily in this country.

Shri Mulka Govinda Reddy (Mysore): Sir, I would like to make some observations regarding this Bill that is before the House. I know that this Dowry Prohibition Bill, when enacted, will not eradicate the evil that is prevalent in the Indian society.

[Shri Mulka Govinda Reddy]

A much more radical reform is necessary to put down this evil in our society. By mere legislation, social evils will not be eradicated or rooted out. By complete overhauling of the present system of society, by a complete social change, this evil along with other social evils can be put down. By education, by economic progress and by social change, these evils can be put down. I know that mere passing of this legislation will not be enough to put an end to this evil. It is much more necessary that the social consciousness must be roused among the people, and the people at large in and around the places where such a system is prevalent should be more vigilant, and they should come forward to report cases of this nature where violation of this law takes place. Such cases should be reported to the concerned authorities so that that system will act as a deterrent to those who indulge in this evil.

The differences of opinion between the two Houses are only three in number. Regarding the principle of the Bill, it has been accepted by all concerned not only by the Members of both Houses of Parliament but by the general public at large. There was a private Member's bill moved in the Rajya Sabha which was later on withdrawn on the assurance given by the Minister that the Government themselves would be bringing forward a Bill to eradicate this system of dowry.

First, the difference of opinion that has been brought before the joint session of both Houses of Parliament to be resolved is with regard to the definition of the word 'dowry'. In this Bill, the dowry has been defined as follows:

> "....means any property or valuable security given or agreed to be given—"

An amendment was suggested by the Rajya Sabha on the basis of the amendment that was suggested by the Joint Committee. The Joint Committee, after giving much thought to it in their deliberations, made it clear that after the word "given", the words "directly or indirectly" should be inserted. They wanted to see that there was so doubt expressed about the definition, that the definition of the word 'dowry' should be wide and that there should be no ambiguity about it. Something could be evaded by doing certain things indirectly. Therefore, they inserted the words "directly or indirectly", after the word "given" in the definition of dowry in clause 2. The Rajya Sabha accepted that suggestion of the Joint Committee and passed the measure.

I really do not understand why the Lok Sabha did not accept this amendment. In clause 4, they have said as follows:

> "If any person, after the commencement of this Act, demands, directly or indirectly...."

The same words have been inserted in clause 4, and therefore, I see no reason why the Lok Sabha should object to the insertion of these words, "directly or indirectly" after the word "given" in the definition. I therefore support the amendment that has now been brought forward and which has been accepted by the mover of this Bill.

Regarding the Explanation, I would like to say a few words. In the same clause—clause 2—an Explanation has been added by the Lok Sabha, which runs as follows:—

> "For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties."

How, we have defined the meaning of dowry, and in this explanation we are annulling what we have defined in the word "dowry". We want to put down this evil. We want to prohibit and we want to see that such a system does not prevail, but by adding this Explanation we will be allowing the parties to indulge in this system of dowry. In a way, we will be encouraging them to evade this law which prohibits dowries. I therefore feel that by allowing the Explanation to remain in the body of this Bill, we will be encouraging the parties to indulge in this system of dowry which will not be put down. On the other hand, the very purpose of this Bill will be defeated if you allow this Explanation to remain in the Bill as it is. I therefore plead that this Explanation should be deleted.

The other point of difference is about clause 4 which says as follows:

> "If an person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both."

This is a very oppressive clause. It is true that no parent will come forward when a dowry has been given as consideration for marriage to file a suit against the bridegroom or the parents of the bridegroom. It is very important that the demand of dowry should be prohibited. But as the Law Minister explained—and I agree with him—in some villages or in most of the villages there will be feuds. It is quite likely that because of personal animosity or of personal faud some person might go to a court of law saying that A demanded some dowry from B. So, it will definitely lead to harassment of innocent people. But we do want to prohibit the demanding of dowry which is genuinely made by persons who want to get themselves married. This is a very great evil which should be put down.

An amendment, by way of a provise, has now been brought forward by the Deputy Minister of Law, Shri Hajarnavis, which says:

> "Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officers as the State Government may by general or by special order specify in this behalf."

This amendment can be accepted provided this proviso is changed and is made more definite. As it is, it is very vague. It now says:

> "....such officers as the State Government may by general or by special order specify in this behalf."

It would be better if in this proviso itself, the status of the officer is mentioned, such as the second class magistrate or the district magistrate of a district, who may be empowered to give sanction for going ahead with cases of such a nature. If this proviso is suitably amended so as to make it definite—that such and such an officer is empowered to give permission for filing a suit against the offender—it will be more desirable.

With these words, I support this Bill.

Shri J. N. Kaushal (Punjab): Mr. Speaker, Sir, the points of difference for resolving which this historic joint session has met today, I feel, have mostly been narrowed down by the powerful voice of the Law Minister as well as that of our Prime Minister. The main difference which still remains and to which both the hon. speakers have not given thought is regarding the Explanation to the definition clause of dowry. The view which has been given by both the speakers is, whether you retain the explanation or delete it, it is not going to make any difference. With great respect, I do not agree with this point of view. In fact, the retention of the explanation, as pointed out

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by the Law Minister, will mean that in a very naked from, you tell the law evaders the wayin which the law can be evaded. In support of my contention, I wish to bring to the notice of the House what the joint Committee had to say with regard to the original clause which was in the Bill, when it was introduced in the Lok Sabha. The clause read like this: After giving the definition of dowry, it was stated that it will not include any presents made at the time of the marriage to either party to the marriage in form of ornaments, clothes and other articles not exceeding Rs. 2000 in value in the aggregate.

When this measure went to the Joint Committee, they gave their powerful opinion in these words:

> "In the opinion of the committee, the fixation of a limit of Rs. 2,000 for presents, ornaments, clothes, etc. made at the time of marriage to either party thereto may have the effect of legalising dowry up to that amount and encouraging the giving or taking of dowry up to that limit. That would be defeating the very object of the Act namely, to do away with the system of dowry. They therefore feel that item (ii) may be omitted."

I would submit that the Joint Committee was of the opinion that this explanation, which was inserted by the Government legalising the giving of gifts up to the limit of Rs.2,000 was ommitted for two reasons. Firstly, the Joint Committee thought that this would be legalising dowry in another form-in the form of gifts. they also thought that this would in fact defeat the very purpose of the Act. I would, with very great humility, submit to the Housethat the retention of the explanation would lead to peaple giving dowry not in the shape of dowry, but in the shape of gifts. I have not been, in fact, able to realise the difference between dowry as such and gifts as they are stated. The very purpose with which the marriages are celebrated is to give a certain amount of cash, ornaments or valuables; whether you call it dowry or gift, it is one and the same.

The two objects with which these articles are given are, firstly that the parents want to give a certain amount by way of dowry or gift because in some cases they want to give it and in most of the cases, they have to give it because of extortion of the bridegroom's party. The other object is, they want to show to the people that they are well-to-do persons, they have given so much in the marriage of their daughters, in fact these unfortunate people are not of that status.

Therefore, my submission is, once you delete this explanation, it would only mean taking away with the left hand what you have given with the right hand. The view which the Rajya Sabha has taken is more realistic, more practical and more in consonance with the object with which this Bill is being passed. All of us are agreed that dowry is an evil and we should take measures to stop the giving of dowry. But we are not agreed as to whether the giving of gifts should be banned or not. I make bold to say that if it is an evil which is eating into the very vitals of the lower middleclass, we must be bold enough to say that we will not permit giving of any cash or ornaments in any shape whatsoever.

The argument which is being employed by the opponents of this view is, who can ban the giving of gifts out of natural love and affection? My submission is, why show all types of affection at the time of marriage? There are a number of occassions when you can show affection to your daughter. People do show affection to their daughters. Who is stopping them from giving gifts? The only question is, if you give gifts at the time of marriage, it is very difficult for anybody to say whether it is given in consideration of the marriage or be-

cause of natural love and affection. Also, the origin of giving these gifts and presents was, at that time, the daughters did not inherit the property along with the sons. Now that daughters have been given the right of inheriting the property along with the sons, the argument that these gifts are the only *stridhan* and the only wherewithal given to the daughters, goes.

My submission is, in the garb of trying to retain that, you can give any amount of gifts and yet it will not be considered dowry, you would be trying to kill the very object of the Act. Otherwise, if the House still feels that some gifts must be allowed, the original clause in the Bill which was introduced by Government, with some suitable amendment regarding the value of the gifts was more desirable That had been done away with and you want to say you can give any amount of the gifts was more desirable. That sion is, the deletion of the explanation is of absolute necessity for giving effect to the wholesome provisions of the Act.

The other point of difference between the two Houses is whether demand of dowry should be made an offence or not. The Government has come forward with a compromise formula which says that demand should be an offence, but it should not be very easy to go to a court of law for getting a man punished if he has demanded dowry. Government thinks it is a compromise, but my submission is, again we are going to strike compromises were none are needed. We should take a bold decision. Either we want demand to be panalised or we do not want demand to be penalised. If we want that it should be penalised, you say the frivolous prosecutions will be launched. My submission is, the courts of law are there and they will certainly not punish people without proper proof. What is the idea in putting forward a further clause before a person could go to a court of law? My submission is, conditions in the present day being what they are, this further clause is not very essential.

The other point of difference is whether the words "directly or indirectly" should be added to the definition clause of dowry or not. All seem to be agreed that if you do not add it, this is very implicit in the very definition. I do not agree with that view. But assuming that argument to be correct, where is the harm if we make that patent, which according to the protagonists of the other view, is latent in the very definition of the clause? Much of the arguments will be taken away from the law courts if you make things beyond any shadow of doubt. I do not agree with Shri Sapru when he said that by the addition of the words "directly or indirectly" you will make it more complicated. I feel that by addition of these two words, you actually achieve an object which you have in view. We want to ban dowry in any shape or form. Therefore, "directly or indirectly" must be added.

Somebody was also asking as to the shape in which indirect dowry is given.

Well, that has been given in some minutes of dissent attached to the report of the Joint Committee, where it is said that sometimes nothing is given at the time of marriage but it is agreed that the bridegroom will be sent to some foreign countries and all his expenses will be met by the bride's party, and then some other friend also comes forward in order to help him in that matter.

The main idea is that marriage should not be commercialised, and the only criterion for getting good brides and bridegrooms should be not money but other considerations.

Therefore, my submission to the House is that the amendments which have been suggested by the Rajya Sabha should, by and large, be accepted. There is only one amendment which has now been brought forward by the Government. My submission in that respect would be that the House might consider it, although my own personal submission is that the

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mere demand of dowry should not be made punishable, and if it has to be made punishable then no further obstacle should be put in the way; if a person has demanded dowry, let him be brought to a court of law and let the court of law take care to see whether proper proofs has come forward or not.

Shrimati Manjula Devi (Goalpara): Mr. Speaker, Sir, I am fully aware of the limitation of time and the unlimited enthusiasm of Speakers on this subject. We have discussed this matter again and again in full detail. I would like to be precise on this subject and come to the three points of controversy.

The three points of controversy are in respect of the definition clause on page 1, the explanation in clause 2 on page 2 and clause 4. The amendment suggested is: "At the end of line 9, after the word "given" the words "either directly or indirectly" be inserted". That is the amendment that I would like to support, because there are many cases where dowry is taken or given directly or indirectly Instances were given by the Law Minister, and I do not like to waste time by giving many other such instances. I am sure there is no controversy on this matter, and I am sure that the House would fully agree to the insertion of these words "directly or indirectly".

Now I come to the explanation to Clause 2. The explanation instead of clarifying the matter makes it more confusing. It leaves loopholes for taking and giving dowry directly or indirectly. Let me make it very clear that voluntary gifts of any kind are allowed and "dowry" does not cover these voluntary gifts. There is a certain amount of apprehension, I have found, in the minds of many of our hon. friends here and also in the minds of fathers. Let me assure them that our concern is more for the fathers and it is not a limited concern of women only. We feel that they should be protected from this evil social custom. The explanation is not necessary, and I am sure there is no controversy of opinion about deleting the explanation. Both the Houses are more or less of the same opinion, and I hope that this august House will now vote for the deletion of that explanation.

The main point of controversy is with regard to clause 4. The entire trouble of taking or giving dowry starts at the demand stage. It is at the stage of demanding that people start getting panicky and marriages get broken. It is better, therefore, that at this stage any such demand should be penalised so that further harm cannot be done to marriages and to the lives of young innocent children. I cannot understand how we can buy and sell our children in the name of dowry. It is greatly inhuman and it is a blot on the prestige of our civilisation, especially the Indian civilisation and culture. Voluntary gifts are always allowed. There is no controversy about it. They can give it at any time. But why should parents think of gifts only at the time of marriage? Why should marriage be the only occasion when the parental love should over-flow in the form of gifts? It is the duty of all parents to see to the welfare of the children, either boys or girls, and a certain provision should be made accordingly.

So this social evil must be eradicated, especially at the time of marriage. Marriage is sanctified in our ancient scriptures. It is not a commercial enterprise and I think it is not a light event as is taken by the western society. It is something very deep and serious and of moral binding. So it should not be polluted with the contact of the practice of giving or taking. Therefore, I fully advocate for retaining clause 4.

I am glad that there is a certain amendment suggested to clause 4 by the amendment standing in the name of Shri Hajarnavis, which says:

"Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf."

There need be no apprehension that this will be misused. A government officer is entrusted with such work, and the State Governments are given full authority to deal with this matter. I am glad that such a provision has been proposed, and I hope that both the Houses would agree to the retention of clause 4 with this amendment, and deletion of the explanation.

Shri Tyagi (Dehra Dun): Sir, I am sorry to confess that I am not fully in agreement with the Bill as a whole. For a long time past I have been convinced, and I feel even now, today, more than convinced that laws of this nature should as far as possible be avoided. These things go deep into the domestic field of our society. Any reform of this nature can best be effected by educational propaganda and other things, primarily by leaders of the nation practising such reforms. I know there are quite a number of hon. Members here, including Ministers, big leaders in the country, who have given something or the other as dowry, though not by means of negotiations but voluntarily, in the form of presents. After all, marriage is one rare function in a family which the family rejoices, particularly among the Hindus; it may be so in other religions also. It is a rare opportunity for a family to celebrate the marriage and guests are invited, as it is a memorable day. I do not want any law to mar the rejoicing of the family in any way. So, in principle, I am opposed to any such legislation. But it is the collective wisdom of the nation, assembled in both Houses of Parliament. Both Houses have taken a decision that there must be a law.

14 hrs.

While enacting such a law, we must also look into the objective conditions obtaining in the country. In the tribal areas there are various types of customs. The House would, perhaps, be surprised to know that in a tribal area in my State the custom is that a marriage is never contracted unless the bridegroom's party is prepared to pay a heavy sum to the father of the bride. Generally, people think of dowry as the money offered by the bride's father or her party to the bridegroom. In some of the tribal areas the reverse takes place. There can be no marriage unless the father of the bridegrooms offers a certain sum to the father of the bride. There are thousands and thousands of young boys who are married according to this old custom for centuries together. Do we expect that merely by enacting this law this custom will cease? It is not a question of "open sesame; shute sesame"; you cannot do it by magic. Such reforms, which are far-reaching, cannot be brought into effect by passing a law.

A law passed by both the Houses must enjoy all the dignity, enjoy all the respect and all the veneration of the whole country, by the literate people, by the educated people, by the social-conscious people. It will be commented upon as a good law, because it will not do any harm to the society. But, at the same time, do we for a moment suppose, can we really think, that this will be literally practised? It will not be practised. Because, it requires a lot of education to eradicate this evil (*Interruptions*). The law must only be a registration of the conscious will of the society as a whole. First of all, there must be a general desire created in the society. Law is always meant for exceptional cases; law cannot control the whole society. It is only when there is a breach the law comes in. So, law must be the registration of the recognized will of the society as such.

[Shri Tyagi]

Now we have not been able to get this value recognized. It is a good value, a good idea, a good reform. But the reform must be universally recognised by the people at large. It is not being recognized yet. Therefore, we cannot be satisfied by passing a law. We have to educate the people to fall in line with this reform. Therefore I say that we are putting the horse before the cart.

Shri Bhupesh Gupta: Yes, that is right; the horse is put before the cart.

Shri Tyagi: If there is breach of the law every time, every moment, and the authorities in power are not in a position to see that the law is never broken and there is no breach, if that is not guaranteed, then the administration should not touch the law. They must, first of all, make sure that once they make a law, it shall never be broken, and if it is broken it will be controlled administratively. Unless you have such powers, it will be futile to make a law.

Coming to the amendments proposed, whatever they be, the Lok Sabha considered them threadbare and came to some conclusions, after seeing the circumstances obtaining in the country and the various customs. Because, this one law cannot control all the customs. We have not fully studied all the customs, as there are various types of customs. In some places a village panchayat meets and a divorce is effected. Suppose a lady is already married but some other person wants to marry her. The panchayat meets and decides "you want this lady; all right, you pay Rs. 500 plus Rs. 250 more in cash". That money is paid and the lady is allowed to marry another husband. Whatever you may call it, it is a custom which is prevailing in some parts of our country. So, that has also to be taken into account. Do you mean to say that all those customs will come to a stand-still immediately after you pass this law? No, they will curcumvent it. That is my fear. So, I am of the view that there should be no law which is not universally recognized by the society.

Then, we had decided that, to start with, it will be something educational. For this reason, we had considered the feasibility and propriety of inserting an explanation in which we said:

> "For the removal or doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes of other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties."

The wisest piece in this Bill passed by the Lok Sabha was this explanation.

Now, every one of us make some present or other when we go to attend a marriage of some of our friend's daughter or our kith and near relations. Suppose our relations are married; there is a custom to give a present. You cannot change or stop this custom. Suppose I go to attend the marriage of my niece or my sister or a distant relation. I must go with a present. This is a custom which should go on uninterfered with. We wanted to guarantee that. That is why Lok Sabha in their wisdom added this explanation to see to it that every respectable guest who makes a little present to the bride or bridegroom is not immediately arrested and send to prison. There should be no such risk to the guests who attend the marriage and make some nominal presents. Otherwise where will our society be? The whole rejoicing will come to an end and the function will become unnatural. So, this type of law will never be accepted by the society if you put restrictions on small little presents made at the time of the marriage.

Dr. Shrimati Seeta Parmanand (Madhya Pradesh): What prevents you from giving a present to your sister?

Shri Tyagi: All these ladies have received many such presents. Now, after having received those presents, having fully enjoyed the benefits of the customs prevailing then, they are now saying that they should not be given any presents. I cannot agree.

Dr. Shrimati Seeta Parmanand: I am asking you to answer my question (*Interruptions*).

Mr. Speaker: Order, order. No interruptions please:

Shri Tyagi: I must be protected from this onslaught from ladies.

Mr. Speaker: Very well. The hon. Member may go on:

Shri Tyagi: My points is that is a usual custom observed by everybody cent per cent. Everybody wants to make a small little present at an auspicious occasion like marriage. It is more like an *ashirvad*. Every elder wants to give *ashish or ashirvad* to the couple. How can that be stopped? It is for this reason that we had come out with this explanation so that such type of small presents might not be questioned. If in their joint wisdom both the Houses feel like withdrawing this, I must confess and venture to submit that it will be wrong on our part. Let not society be disturbed in this manner.

Therefore I insist that despite the suggestion of the Rajya Sabha this explanation should be retained. It is explanatory. It will make matters easy. The incidence of law will not be so hard as it is feared to be many people. I can assure my fellow lady hon. Members here that it will do no harm. Whatever they desire is already guaranteed. They must just be a little generous to the future generations. That is all I expect of them. I know I have lost quite a number of votes and friends amongst the ladies on account of opposing dowry, but even so I hope they will be generous.... (*Interruption*).

Another amendment of the Rajya Sabha is the deletion of clause 4 which reads:

> "If any person, after the commencement of this Act, demands directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both."

It is surprising that at one place the Rajya Sabha has objected to a little softening of this law and at another place they do not allow this. Here it is a question of abetment. With all apologies to the hon. Law Minister and to my colleagues in the Lok Sabha, I must say that in this case I agree with the suggestion of the Rajya Sabha. This amendment of the Rajya Sabha may be accepted. After all, the Rajya Sabha is the House of the Elders. They are supposed to have greater experience. Therefore when they say that abetment may not be punished, we should consider it. As far as the demand is concerned, that must be prohibited because demand is negotiation. It goes at the very root of this. Any transaction in consideration of marriage or precedent to marriage is a thing which must be stopped by law.

Amongst Hindus generally it is the father of the girl who goes about from place to place to settle the marriage. In many cases people like to accept the proposal but sometimes they do not. Wherever they are refused, they, naturally feel a little insulted. There will be occasions when one is refused and complaints will come saying that because he wanted so much of dowry I refused and immediately there will be prosecution. That should not be the case.

[Shri Tyagi]

Then the penalty itself is very heavy. It says:

> "If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment....."

That alone will do. Again, I would say that there is one little thing. In clause 2 'dowry' is defined as

> "any property or valuable security given or agreed to be given".

Here they want to add the words "directly or indirectly". I have no objection to that. It is immaterial whether you have the words "directly or indirectly". It is only emphasising and there is no harm in that. The sense is not lost if this clause is retained with the words "directly or indirectly". That would not make a material difference. But then it says here:

> "by one party to a marriage to the other party to the marriage."

I am afraid that is defective because then even the presentation of a wedding ring by one party, that is, by the bridegroom to the bride will be prohibited. If on the occasion of a marriage the bridegroom offers the wedding ring, which is very customary and if it is costly or precious, he might perhaps be brought under the law. Do you want to say that even after marriage a husband is not permitted to make a present to his wife? According to this, if it is taken in the literal sense, it will be difficult to make presents of any ornaments to the bride. How can a husband appease his wife than? After all, one has to make one's family happy. Many of my hon. friends here may not be married, but those who have the experience of married life will know that wives generally demand, particularly immediately after marriage, all types of *saris* and fashionable things. Generally that is their demand and it has to be met if you want to have peace in the family. After all, it is their mutual affair. It is not a question or giving anything to another party because immediately after marriage according to Hindu customs the wife and the husband become one party. The wife is *ardhangini*. They are not different parties and the law has already recognised it. Offering anything to the wife or to the husband is a mutual transaction. This should never be questioned. What is there to question? Therefore when they say:

> "by one party to a marriage to the other party to the marriage;"

it is something which I cannot understand. It means that even a bridegroom cannot after anything to his own bride. That is something which is rather objectionable. I would suggest that it may be considered further.

With these words I appeal to the Treasury Benches and to the hon. Law Minister particularly. Luckily, the hon. Prime Minister is also here and he has had the experience of married life. He has also had a daughter married. I have also had one. We have had this experience. Therefore I suggest that he might consider to the light of the customs to see to it that the law is softened as far as possible. This law should not be passed with a view to penalising people and for disturbing the pleasure or some type of small little ceremonies observed at the time. After all, it is the choicest day in the family. Let us not mar their rejoicing by making a very strict law. This must be used by the nation only as an indication of the desire of society that dowry should be done away with. As far as that is concerned, everybody will agreed. I would, therefore, appeal that you should soften it as far as posible so that the incidence on society may not be very heavy.

श्रीमती उमा नेहरू (सीतापुर) : श्रीमान् जी, आज तेरह बरस के बाद यह मुबारक दिन आया है जब कि यहां हम जमा हुए हैं इस पर विचार करने के लिए कि डावरी की प्रथा को खत्म किया जाना चाहिये या नहीं किया जाना चाहिये । हमने सबसे ज्यादा मेहनत आजादी हासिल करने में की थी और आजादी हासिल करने के बाद हमारे सामने यह प्रश्न आता है कि हम आगे नहीं बढ़ सकते हैं जब कि चारों तरफ से हम सामाजिक उन्नति नहीं करते हैं ।

सामाजिक क्षेत्र में सबसे पहले उन्नति यूं हो सकती है कि समाज में जो त्रुटियां हैं, उनको दूर किया जाए, समाज में जितने भी कंसिस हैं, या जितनी तंग खयालियां हैं, उनको दूर किया जाए । जब तक उनको दूर नहीं किया जाता है, कोई भी समाज आगे नहीं बढ़ सकता है । हमें यह भी याद रखना है कि संसार में बराबर परिवर्तन होते जाते हैं और परिवर्तन के विचार से डरना और पीछे हटना किसी भी कौम के लिए, किसी भी नेशन के लिए खतरनाक होता है और अगर वह ऐसा करती है तो वह खत्म हो सकती है ।

इन सब बातों को ध्यान में रख कर हमें इस डावरी बिल पर विचार करना होगा । जब मैं समाज के इस पहलू को देखती हूं तो मुझे बहुत शर्म आती है । यह डावरी वाला पहलू है और मैं समझती हूं कि यह स्त्री जाति के माथे पर एक कलंक का टीका है । डावरी का मतलब क्या है ? इसका मतलब क्या यह है कि स्त्री को खरीदा जाए या इसका मतलब यह है कि जो लड़की ब्याहने योग्य है, उसका ब्याह तब तक नहीं हो सकता है जब तक कि हजारों या लाखों रुपया न हो डावरी में देने के लिए ? अगर यही डावरी का मतलब है तो इसका अर्थ यह हुआ कि धन का ज्यादा खयाल है, लड़की का खयाल नहीं है । जब यह प्रश्न हमारे सामने आता है तो हम जो स्त्रियां हैं, हमें बड़ी शर्म आती है । मैं समझती हूं कि दहेज को, डावरी को बिल्कुल हट जाना चाहिये, डावरी का नाम तक नहीं लिया जाना चाहिये और लड़की को उसकी मेरिट्स को देख कर शादी होनी चाहिये ।

14·20 hrs.

अब मैं यहां देख रही हूं कि हमारे बहुत सारे जो भाई हैं वे इस विषय पर बहस कर रहे हैं कि साहब, लड़की को हम क्या देवें, क्या न देवें । २००० रु० देवें, ५०० रु० देवें, ५० रु० देवें, यह चीजें यहां हो रही हैं । गले के लिये कंठी देवें या न देवें, यह सब चीजें हमारे सामने कही जा रही हैं, जिनको सुन कर तकलीफ होती है । मैं समझती हूं कि आप कुछ न देवें । जब हमने यह ला पास किया है कि लड़की को मां, बाप की जायदाद के ऊपर पूरा अधिकार है, तो कोई वजह नहीं है कि लड़कियों के लिए यहां पर इस तरह से चर्चा हो कि गले की कंठी हो, उंगली के लिये अंगूठी हो या यह कि कौन सी चीज डावरी है और कौन सी चीज दावरी नहीं है । डावरी की डेफिनेशन यहां हो रही है और कहा जाता है कि डावरी यह चीज है और यह चीज नहीं है । दरअसल डावरी के माने यह हैं कि हम और आप मिल कर एक कंट्रेक्ट करें और जो तय हो देने के लिये वह डावरी है । लोगों को यह भी डर है कि आज भी बहुत से लोग हैं जो गिफ्ट के नाम से देने की कोशिश करेंगे और डावरी पहुंचायेंगे । मेरी समझ में नहीं आता है कि गिफ्टस हम अपने प्रेम के कारण, अपनी मोहब्बत के कारण देंगे उसको आप कैसे रोक सकते हैं, जब तक कि छोटे छोटे गिफ्टस होते है, यह नहीं कि वह हजारों और लाखों के हों ।

न सब बातों के बाद मुझे यह कहना है कि सभी स्त्रियां स्त्रियां हैं चाहे वे कम्युनिस्ट हों या सोशलिस्ट हों या कांग्रेसी हो और वे

[श्रीमती उमा नेहरू]

सभी चाहती हैं कि यह डावरी की प्रथा बिल्कुल खत्म हो जाये । हम नहीं चाहते कि आज हमसे कहा जाये कि अगर उस घर का लड़का लोगे तो तुमको इतना रुपया देना होगा, अगर आई० ए० एस० या आई० एफ० एस० लड़का लोगे तो उसकी कीमत इतनी होगी । मैं यह सुनने के लिये तैयार नहीं हूं । मैं यह भी कहना चाहती हूं कि अगर कोई आई० ए० एस० या आई० एफ० एस० लड़का लेता है तो वह लड़की को नहीं देखता है, वह हमारी लड़की को नहीं देखता है, हमारा धन लेता है, उसके दिल में लड़की के लिये जरा भी इज्जत नहीं है । इसलिये इस चीज को मैं बिल्कुल हटा देना चाहती हूं । आप कहेंगे कि आखिर इसको हटाने के लिये तरकीब क्या होनी चाहिये । यह बिल हमारे सामने आया है, इस बिल को मैंने देखा । हम इसको जल्दी पास करना चाहती हैं, हालांकि इस बिल में कुछ ऐसी बात नहीं रक्खी गई हैं, फिर भी हमारे लिये यह एक मुफीद चीज है ।

इस बिल में तीन चीजों पर लोगों की राय एक नहीं है । मैं कहना चाहती हूं कि इसमें डायरेक्ट और इनडायरेक्ट को रखना बहुत जरूरी है । बिना उसके तो यह बिल चल ही नहीं सकेगा । दूसरी बड़ी चीज जो है वह एक्स्प्लेनेशन के बारे मे है । इसके लिये राय यह हो रही है कि यह रहे या न रहे । मेरी राय में इसको रहना चाहिये । मैं आपको बतलाऊं कि इसको क्यों रहना चाहिये क्योंकि इसके अन्दर एक ही खयाल है कि शादी के समय हैरेसमेंट न होने पावे जो भी प्रेम से मोहब्बत से कोई छोटी मोटी चीज देना चाहता है, अगर उसको भी आप डावरी में शामिल कर लेते हैं जो कि डावरी के माने नहीं, जो कि डावरी के अन्दर नहीं आतीं, तो यह गलत बात होगी । इसके लिये एक्स्प्लेनेशन रखना यहां बहुत जरूरी है । हम शादी करने के लिये खड़े होते हैं, बरबादी करने के लिये नहीं खड़े होते हैं । हैरेसमेंट के लिये नहीं खड़े होते हैं । शादी के माने होते हैं खुशी के । अगर हम खुशी के लिये खड़े होते हैं और बीच बीच में हैरेसमेंट होता रहता है तो यह चीज तकलीफदेह हो जाती है । इसलिये हमने शुरू में इस चीज को मान लिया है । हम अपनी पार्लियामेंट के जरिये अभी इतना ही बढ़ रहे हैं, जब हम अगली दफा इसके बारे में कोई विधेयक लायेंगे तो हम इससे और भी आगे आयेंगे । मैं बिल्कुल चाहती हूं कि यह एक्सलेनेशन कायम रहे ।

अब रहा क्लाज ४ । क्लाज ४ जो है उसमें सजा की जो बात है उसको लोग पसन्द नहीं करते । लेकिन जहां आप डिमान्ड रखेंगे वहां पर सजा तो होगी ही । डिमान्ड बगैर सजा के नहीं हो सकती है । उसके बिना इस चीज की बिल्कुल जान सी निकल जाती है । इसलिये क्लाज ४ के बारे में ला मिनिस्टर साहब ने अभी जो प्राविजन बतलाया है वह मैं समझती हूं, ठीक है, और उसके रखने के बाद यह चीज बिल्कुल दुरुस्त हो जायेगी । मैं उन से इस बारे में बिल्कुल सहमत हूं ।

अभी श्री त्यागी जी ने बोलते हुए बहुत सी बातें कहीं । उन में से बहुत सी बातें ऐसी कही गई जो कि मेरी समझ में नहीं आतीं । अगर कुछ बातें मेरी समझ में नहीं आतीं तो समें त्यागी जी का कुसूर नहीं है । यह हमारी समझ का फेर है कि उनकी बहुत सी बातें हमारी समझ में नहीं आई । उन्होंने कहा कि सोसाइटी डिस्टर्ब नहीं होनी चाहिये, समाज को शान्तिपूर्वक रहना चाहिये । लेकिन आजकल के जमाने में हम कोई भी पहलू कहीं नहीं देखते जहां पर कि लोग हर तरह से डिस्टर्ब न हो रहे हों । तो यह कैसे हो सकता है कि बिना समाज को डिस्टर्ब

किये हुए हम समाज की शक्ल बदल ं । त्यागी जी बिल्कुल फिक्र रहें, समाज की कोई खराबी इस कानून से होने वाली नहीं है ।

दूसरी बात जो मैं कहना चाहती हूं वह यह है कि अमल में कानून से समाज की उन्नति नहीं हो सकती । समाज की उन्नति हमेशा तब होती है जब हम सब एक मिशनरी के रूप में जाकर अपने मुल्क में घूम फिर कर सामाजिक नियमों का लोगों के सामने रखें, सोशल लाज को लोगों को बतलाय और खुद भी उन पर चलें । इसलिये यह सवाल अब हमारे सामने है । मैं ज्यादा कुछ न कह कर आपसे इतना ही कहना चाहती हूं कि आज हमारे प्राइम मिनिस्टर साहब ने और ला मिनिस्टर साहब ने जो चीजें पेश की हैं, मैं उनसे बिल्कुल सहमत हूं और मुझे उम्मीद है कि आप सब लोग उनको पास करेंगे । बिल बहुत छोटा सा है । इसके लि कोई बड़े बड़े कानूनदानों की जरूरत नहीं है । अगर आप इसको पास करेंगे तब यह देश आगे बढ़ेगा ।

Dr. Shrimati Seeta Parmanand: Mr. Speaker, Sir, I am glad that this Joint Session of the two Houses is going to consider this Bill. Because it is such an important Bill and different opinions have been expressed both outside and in the Houses the Joint wisdom of both the Houses sitting together, especially when sitting separately they have differed on different items, should be applied for passing the Bill.

Sir, I feel it has been called wrongly a women's Bill. I do not see any reason why it should be called a women's Bill. Women take interest in it, because seeing a daughter in the house, they feel her agonies, her difficulties much more than a practical man dealing with every day affairs has got the time to apply to these cities of sentiment, etc., with which a woman is concerned. Also, traditionally, as far as marriage is concerned, a woman is supposed to look to the monetary aspect of marriage. There is a familiar Sanskrit saying—

पिता वरयते कुलम्, माता वरयते धनम् ।
कन्या वरयते रूपम्, मिष्टान्नम् इतरे जनाः ।।

So, the mother is always anxious, naturally, to see to which family her daughter goes. The mother is anxious that the in-laws of her daughter should not trouble her, because she did not take from her family whatever was expected. That is why if it is said that it is the women who are anxious about the dowry, we can understand why they are anxious. When a social custom has become such an evil that most of the middle class families today are finding dowry rather a curse than a boon to settle down their daughters, the problem should be tackled immediately.

Now, Sir, I would first deal with some of the amendments, The necessity of the words "directly or indirectly" has been disputed. Some people have said that it is not at all necessary. In law greater clarity is always better and nothing is lost in that. Therefore, in adding these words which were in the original Bill "whether given directly or indirectly" nothing is lost. Everybody knows how gifts assume subtle forms, like, e.g. sending the bridegroom's brother to foreign countries for education. All these methods are employed in an indirect manner to get something from the bride's people.

With regard to the Explanation I would like to point out that it is not right to say that the Explanation alone would enable people to give presents to the bride, as is the custom amongst many people. Shri Tyagi was pleased to point out just now that if this Explanation is not there it would not be possible even for a brother or a friend to give a present to a sister in the marriage and people would perhaps be put to difficulties and put to same by having to give

[Dr. Shrimati Seeta Parmanand]

their blessings with empty hands. I feel that such gifts can never be considered as being in consideration for marriage. As has already been pointed out—but I am saying this again to make the point of view taken in the Rajya Sabha through our amendments clearer—by the retention of the Explanation, on the other hand, a loop-hole would be provided and people who do not know in what manner it could be taken will find ways and means to see how gifts can be taken through cash, utensils, clothes and other articles. One would ask, therefore, if these things are to be omitted, as is the argument of people who want this Explanation to remain, what else then is dowry? These are the things —it is a motor car or a house or a field—which constitute dowry. People ask for dowry mostly in the form of ornaments and cash. Therefore, if you say "omit cash and these articles, whatever is customary", then how are you going to achieve your object? What can be the objection, for instance, if the Explanation were not to be there, if people were to give presents according to the status of the family? If a case were to be taken stupidly by anybody to court that somebody gave a gift of a house, the court would certainly decide according to the status of the family, and the court has sense to decide what is suitable to a particular family's status. But the hardship comes when people expect cash or other articles beyond the status of the family.

Also, in regard to the argument that the removal of this Explanation would mean great hardship to people in the villages, etc., I would to make it clear that the present system of dowry is abused not in the villages but only in the urban areas, amongst the educated people, amongst the educated lower middle class and middle class people who have now been reduced to poverty and who want more or less to sell their son and live on the money of the daughter-in-law. Therefore, to say that people in the villages who do not know all these implications of the law would be put to difficulties is not correct. Few people in the villages are so rich that they have the means of finding out what the correct position is through their legal adviser.

The custom of this dowry has become such an abuse that it should be rather pertinent to mention for the information of such people that artificial paper-sarees with gold embroidery are put for decoration to show the status of the bride that the boy's party are marrying—paper sarees are used, so that they may be taken in procession to show what gifts are given. Because, the rich people have got into the habit of making a display of the presents to show their status, the poor people feel that they also have to make a show, and they either borrow gold jewellery and sometimes it is—stolen —or they use artificial jewellery, only to show that they also have a status. It becomes a question of competition.

Therefore, when we really want a socialist pattern of society, and if people like Shri Tyagi want that a brother should give something to the sister, I do not see why they should not accept an Explanation of the type I have put in my amendment, if at all it is wanted—I do not think it is necessary, but if they want it—namely of putting the limit of the presents at Rs. 50. That alone will be in conformity with the socialist pattern of society. After all, it does not matter if rich people also do not give presents, as friends or relations, worth more than Rs. 50 during the marriage.

With regard to the clause relating to the demand of dowry, it was stated in the Rajya Sabha that it would lead to harassment. Much has been said on that point. But I feel that it is easier to think of harassment as being possible; but when it comes to taking it to a court of law,

when it comes to going through all the processes and the expenditure of litigation, people would think twice before bringing malicious litigation People who go to the lawyer will be told by the lawyer that if there is no correct proof the man himself would in return be prosecuted or proceeded against for malicious litigation or prosecution. Therefore, I do not think much bogey could be made of that.

Of course, it was thought in the Rajya Sabha, and we had to agree with certain Members who in return agreed to drop the Explanation, that as a beginning, to give a proper start to this type of Bill, this clause about demand being made punishable could be dropped. But there is no denying that a good deal of hardship does come in if a marriage breaks down because of the demand of dowry, because it has already been pointed out by several speakers that so much stigma attaches to the girl once for all and her marriage later on becomes difficult. Many tragedies of suicides have taken place. We know quite a good hit about these things from 1910-11, since the suicide of Snehlata in Bengal. I need not go into that.

But I feel that the amendment proposed by the Law Minister is a good *via media* and should neable the people who had objection to including this clause back, of the demand being made punishable, to agree to putting it in. Because, if permission is to be taken for filing such litigation, and that too through proper authority, I do not think there is much danger of people being proceeded against in a malicious manner.

I do not think there was much point in what Shrimati Renu Chakravartty, as I understood her to say, raised. She was saying that the people in the villages would find it difficult to approach the authority appointed by the State Government. It is not intended that they will have to go to the State Government. It is not intended that such authorities would be necessarily people of a certain status, of the status of Magistrates. I do not see why it could not come before matrimonial courts if the Government accepts the proposal which I have been mentioning to the Law Minister and other people, namely about establishing matrimonial courts in the country or if we have such agencies like marriage guidance councils. There are a lot of people near about the mofussil areas also, social workers of status and of integrity, who could be approached to give permission when there is a real case of harassment with regard to this taking of dowry. Therefore I wish to say that there should be no objection to accepting this new clause with the proviso.

I wanted to deal with one or two points raised by Shri Tyagi, but I have no time. But I wish to refer to one point which has been incidentally touched indirectly by Shrimati Uma Nehru in saying that now that the daughters will have a share in the property there is no reason why dowry should be allowed to continue as a practice. I would put it the other way round. Very often an argument is put forward, against giving a share to the daughter in the property, that the parents have to spent so much on the marriage of the daughters and therefore why should they be given a share in the property? Therefore, by making dowry prohibitive, This argument would go. And all the money that the parents should spend on a daughter's marriage should be the same as that on a son's marriage, and there should be no difference, as far as their share in the property is concerned.

I would now like to sum up the arguments advanced by Shri Tyagi. Firstly, he said that this is a legislation which you cannot enforce, and that there should be social reform. When arguing for the pressing of clause 4 he said, however, that only through legislation, you can make this reform, and, therefore, this clause must be pressed.

[Shrimati Seeta Parmanand]

The second point that he made was about the presents. I have said already that presents cannot be given, and the daughter should be married without them.

A point was made by Shri P. N. Sapru, and he had been making it in the Rajya Sabha also that you cannot bring about social reform through legislation, and it is only by giving free opportunity to mix freely and free opportunty to mix freely and make arrangements for their marriages that this custom will go. This point has been made on the floor of the House by another hon. Member also who is not present here just now, namely Rajkumari Amrit Kaur. It is very easy to theorise, but I know that even M.B.B.S. ladies—I would not call them girls—and M.A. and M.Ed. ladies have to be married to day—you may be seeing some advertisements in the papers in this connection—with the help of dowry. I do not know how they agree to that, but there may be some social stigma and so on; we need not go into that. But that is the present position. While on the one hand, we find that people talk of asking for dowry because they spend so much on the son's education, on the other, we find that even when they get daughters-in-law, who are equally or even perhaps better educated, they still demand dowry. So the evil is so deep that only giving education is not going to remove it. I might ask the hon. Member where the opportunities are in our country for people to mix so freely. There are so many difficulties in our country; club life is not such a common thing, and there are so many other reasons also; therefore, education also cannot solve this problem.

Lastly, I would submit that to say that only social legislation is not going to solve the problem is also not correct to some extent. We have been made to depend so much on legislation in our country even in the field of social welfare. In spite of what is being done by the Social Welfare Board, We find that society does not come forward to take advantage of it, unless there is help from Government. So, legislation is also required as on of the arms for rooting out this evil. Legislation and social reform are like the two wheels of a cart or carriage, and only if we have both, shall we able to march forward and in a position to root out this evil.

Mr. Speaker: Now, Dr. Sushila Nayar. The hon. Member is not here. Then, Shrimati Ila Palchoudhuri. Before she commences, I would like to say one thing. I wanted to give an opportunity first to the leaders of the political groups so that on this matter they may express whatever views they have. But I find that the leaders or at any rate some of them are keeping quiet. If in the last minute they come up, I do not know whether I shall be able to call them. If the leaders of the different groups do not want to speak but only want to give opportunities to others, I would not invite the leaders to do so.

Shrimati Parvathi Krishnan (Coimbatore): Shri Asoka Mehta may be called upon to speak. He is a bachelor.

Shri Goray *rose*—

Mr. Speaker: Probably, Shri Goray wants to speak. Already, I have given opportunity to another Member from the PSP. If however, Shri Asoka Mehta also wants to speak, I shall give him a chance, but I must know definitely.

Shri Asoka Mehta (Muzaffarpur): I have not given my name. I have no intention of speaking.

Shrimati Ila Palchoudhuri (Nabadwip): It is indeed a happy occasion that after thirteen years, we have met today to discuss something that will really do some good to women, and

I am very happy to be able to associate myself with this and participate in the discussion today. It has been the dream of women that the women in India wil be taken forward through legislation and through social reform by the men of India to something better than what they have enjoyed so far, and I think that is about to happen now.

There are now only three things on which there are some differences and controversies between the two Houses, and I shall not take much time of the House in dealing with them, but I shall straightway come to the point.

In regard to the addition of the words 'either directly or indirectly' in clause 2, I am fully of the opinion that those two words should inserted because that will create public opinion and create more confidence in the Bill. Apart from the question whether these words are needed or not, and whether these are concomitants in the Bill, or not if the point is clarified, it will always have a better effect.

Coming to the second point regarding the Explanation. I I feel that the Explanation I certainly needs to be there. I am very surprised that Shrimati Renu Chakravartty has taken up the point that social legislation has been very slow. I would like to submit that social legislation has not been slow; social legislation in this Parliament has been fairly fast, and we have passed many laws to better the conditions of social relations and the social status of the women, and children; and even on marriages and various other social aspects like untouchability etc., we have passed several measures. What has been slow is the following up of public opinion with those measures, and the educating of public opinion to keep pace with the legislation. Hence, I would say that the Explanation should be there. Firstly, that will give some sort of incentive to see that people will misunderstand this Bill. We want legislation because we do not want dowry, and we do not want that there should be a demand for dowry. It is a degrading thing that women should be made to pay so much to get a bridegroom, for a girl, when it should be the free choice and her honour to be chosen by the bridegroom for marriage. At the same time we do not want any legislation that will cause harassment. So, that Explanation is particularly needed. Secondly, it is needed for another reason also. Although many hon. Members have stressed this point that we have now the succession law or the inheritance law giving a share to the daughter in the property, all those things will come up only after the question of inheritance comes up. But that which is given at the time of marriage is the girl's own right and privilege and joy, and that is the thing that she has immediately in her hand to fall back upon, should she need to fall back upon it after her marriage in the near future. Hence, that which is given out of love and affection should not be tampered with by any law.

14.48 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

So, that Explanation although it is concomitant in the law itself, should be there.

Thirdly, I would submit that you should not take away all colour from the various ceremonies, by legislation. We have quite enough of registration marriages, and we have quite enough of mudane marriages which take place just according to the legislation, just by the signing of the names. But the Indian marriage is a sacrament which contains many things. Even in the rural areas, apart from the question that there may be a demand for dowry which is absolutely an evil thing and which has to be opposed, there is this gladness, the whole atmosphere surrounding a marriage is one of gladness and joy. And as the Sampradhan mantra says :

"Saalankritavastraavritakanyadaan"

[Shrimati Ila Palchoudhuri]

These things are given not because the girl is treated as chattel, but because are given as *stridhan* to take care of her should such a time come. That is why I would say that the Explanation should certainly be there.

Coming to clause 4, the punishment for demanding dowry certainly should not be delected. If you delete that, then you have no reason to pass this Bill at all. Why pass it at all in that case? If the demanding of dowry is not to be made punishable, then, what is to be punishable under this Bill?

What do we seek to do by this Bill? If there is a demand, it should be made punishable. We should retain the clause with the proviso. I fully agree on that point. Even in rural areas, if the State Government can appoint some officers who can take care of this, I do not see why they should not do it. In rural areas the District Magistrate is very easily available to the rural people. Should there be any case where there is any idea that some demand has been made, people can go to him at once and he can take care of it and see that it is not done. I think it is a very good proviso. If we have the clause with this proviso, we would have achieved the object of this Bill and we would have done something that we have wanted to do. We would have gone a step forward in having a legislation that would really put women on the status that we want them to have. We would also eliminate this evil of dowry which has resulted in so much misery. It is heart-rending to hear the stories. Particularly one hears such stories in Bengal. The hon. Prime Minister was saying that there was one suicide a day in Saurashtra. There are so many suicides we do not hear of. There are so many lives wasted after marriage because the dowry promised has not been given.

All these evils will be eliminated by clause 4 which provides for punishment with the softening provided by the proviso. With this, we will have achieved our object. But the Explanation should never be deleted. I hope the House will agree with me and agree that the Explanation should be there and the punishment clause should be retained.

Shrimati Yashoda Reddy (Andhra Pradesh): Sir, this Bill, which is so serious in its character and so fraught with protentialities has been, I am sorry to say, treated in a most light-hearted manner. I am sorry to say that it has been handled in a way most inconsistent with our responsibilities.

There are many people who come here with their ideas labelled 'progressive', but when it comes to a question of putting it in paper, they just shrink from it. I say this because there is not one hon. Member here who would say openly and directly that the principle in the Bill is not wanted, because we are all honourable men with a conscience, a heart, and this a nd that. But when it comes to a question of acting, they will say, 'This is wrong, that is wrong, it cannot be implemented, there will be harassment' and so on. I do not mind a direct attack by their saying 'We do not want this Bill'. But I do not like this sort of insideous, veiled and underhand and muffled way of doing things. I make an appeal to the House: either you vote for it or you do not vote for it. But do not go on saying, 'We like it in principle, but in action we do not want it'. I really take serious objection to that sort of attitude.

Three points of difference have arisen between the two hon. Houses. I do not say that one House is entirely right here or the other is entirely right there; nor do I say that I have the cumulative wisdom of all. I will put forward that I think is the best thing.

The first and foremost point, in my opinion, is that contained in clause 4.

Before I put forward my arguments, I say that clause 4 must and should be there. I will tell you why. The three arugments which have been adduced against are that it will lead to harassment, that it will result in blackmailing and that it is impracticable. As regards harassment, every legislation,—political, social or whatever it is—involves some harassment. Somebody's iberty is taken away. It is a harassment to him. If somebody is told, 'Do not marry twice', or 'Do not take bribe', it is a kind of harassment. If a rich man is told to pay income-tax, he feels it is a harassment. So in every legislation, there is bound to be some harassment. It may sometimes be imaginary, sometimes real and sometimes inevitable. That should not be an argument against this clause.

The second argument advanced is that it will lead to blackmailing. What is blackmailing? Do you think people have no other work than blackmailing other people? Which father of a girl will go and complain that the other person is not giving his son in marriage and risk the life of his own daughter? After all, what are our courts and Judges for? Why should we spend so much money on our courts and Judges if they cannot stop us from being blackmailed unnecessarily?

The third arugment is that it is impracticable. I do not understand this question of impracticability. They say social legislation is impracticable. They say the punishment under the Act impracticable. When an act is done, evidence can be found, oral or otherwise. When a thing is done, there will be evidence—oral, documentary, written or circumstantial. If it is difficult to prove an attempt, it will be difficult even to prove the act. So I do not agree when it is said that it is difficult to implement it.

On the other hand, I would say that in every civilised nation, it is an

accepted principle of jurisprudence that that the attempt should be made punishable as much as the act. What is after all an attempt? Attempt is an abortive act. It is a half-completed act. It is the intention that is important. If you want to prevent the act, you must prevent it in the bud, in the beginning itself and not afterwards. The hon. Law Minister is shaking his head. I do not know what he means, whether he agrees or disagrees.

They say that under judicial law, no intention can be punished. We are not specifying intention in that way. Every act has three parts: intention, attempt and execution. Suppose I stand here with the intention of killing or murdering somebody. Nobody can stop that intention nor punish me for it. But it is when I try to do something that action has to be taken to stop it. This is what we are doing, taking care of the second and the third part—the attempt and the act. If the commission of an act is an offence, every attempt to do so is also an offence. This is an accepted principle in our Penal Code —In section 511. When an offence is punishable, the attempt to commit it is also punishable. This should also apply to social legislation. Under section 161 of the Indian Penal Code, which deals with corruption, attempt is also punishable, so also in anti-corruption Prevention Act etc.

Moreover, every legislation should have three aspects—preventive, punitive and deterrent. In social legislation, I feel the deterrent and the punitive aspects are as important as the preventive aspect. This will explain the need for this clause. In my opinion, this is the one clause which is going to be the essence of this Bill. It will constitute an insurance against any misuse.

Some people may pay a fine. But people will hesitate to go to a court of law. They will not go to jail even for a day, because it is of greater con-

[Shrimati Yashoda Reddy]

sequence to them paying only a fine of Rs. 5,000 or Rs. 6,000.

Some people were asking me: 'Can you make marriage happy by legal sanctions? Can you purify marriage by legal sanctions?' Iertainly do not think that we purify marriage be legal sanctions. But at least in India, I say marriage should not be tarnished with monetary motives. Social legislation is a bold adventure. If in the process of its implementation, any act has to be considered criminal or heinous, we should take the utmost care to see that such an act is made punishable with a severe punishment.

The social evil which we are dealing with today affects mostly the most defenceless and innocent section of our community, that is, the young girls and those sections of the community have the greatest claim for protection. The hon. Prime Minister was saying that we not get statistical evidence here and there. My humble submission is also that we do not know the correct number of people who are dying every day. But if hon. Members keep their eyes, ears and hearts open, they can hear the plaintive cries of millions of daughters of India who are being tormented by this pernicious evil which has taken deep root in our society. The victims of this terrible evil cry in wilderness to seek vengeance not only on the people who started this but also on those who try to retain it today.

I hope our hon. Members with soft heart will be able to hear the cry of these millions of girls. I hope this cry of distress and pain which can be heard in every house in every village will torment those people in whose hands is vested the responsibility of protecting the rights of these innocent people.

15 hrs.

I humbly appeal that this clause 4 should not be deleted. The Prime Minister came and supported the Law Minister's suggestion that the proviso should be inserted. I may humbly tell the House that the proviso is going to play greater havoc. When it was demanded that offences in Bills should be made cognizable, the Law Minister said, 'No; the Police will interfere; and we do not want that'. Somebody said that marriages will not be made in Heaven but they will be made in police stations correctly so too!

But, what will happen now? Not only will you not be able to prevent dowry—whether it is practicable or impracticable—but you are going to encourage corruption, because every time you want permission this is what would happen. I would appeal to the House to retain clause 4 without the proviso. If the marjority of the House wants it I cannot help it; but this is my personal opinion.

Secondly, the *Explanation* has caused so much of trouble. Though here arguments have been put forward as to what is wrong or objectionable in it, I feel, in my personal opinion that the deletion is not so necessary. Even if the Explanation is not there some dowry will be given somehow or other, in the shape of a gift or something. My humble submission is that the cardinal principle of the Explanation like the cardinal principle in clause 2 is the voluntary aspect of it. As long as it is voluntary, no one is going to be affected. If only there is the question of coercion or the giving of money in consideration for the marriage, if the money is going to be given as the consideration for the contract of marriage, then it is objectionable.

Moreover, as you read the *Explanation*, it is specifically stated, 'For the removal of doubts'. It is only an explanatory clause. I do not know why you want to delete the *Explanation*. If the *Explanation* is objectionable, then the clause itself should be objectionable because an explanation can be nothing more than what is

stated in the clause. It is not a substantial clause.

Moreover, it mentions only cash, ornaments, clothes and other articles and that too at that time. I am very happy that they have removed movable or immovable property. That should be noted because in clause 2 any property can be given. In the *Explanation* it is specifically said that cash, ornaments, clothes or other articles. Maybe the question of cash may be little troublesome.

I was looking at the amendments which have been proposed and I feel that we should give reasonable thought to one amendment that has been proposed. Shri A. D. Mani has given notice of an amendment saying 'any present of a reasonable character not exceeding two thousand rupees in value'.

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shrimati Yashoda Reddy: Just two minutes more, Sir.

As far as 'reasonable character' is concerned I agree; but not to two thousand rupees, because what is reasonable to one person may be troublesome to another. If the Explanation were to be—

> "For the removal of doubts, it is hereby declared that any presents of a reasonable character made at the time of a marriage.."

I would give him my hearty support.

As far as the other amendment is concerned, I do not think there is going to be much opposition and all will vote for 'directly or indirectly'.

I would like to say one thing before I sit down. Many people have said that you cannot remove all the evils by social legislation. This is very correct. By legislation everything is not done. But, as a first step we should start somewhere. What is the other alternative in a big country like ours where there are so many different communities. I feel legislation is the best way of accomplishing social reform.

Moreover, as a free nation we are trying to forge ahead as one of the most important nations. And this Bill in which we prohibit the giving and demanding of dowry in principle and in action will show to the nation what we are doing. It will raise our prestige in the comity of nations. As long as the country is not going to treat women as equal to men, and as long as women are going to be treated as chattels, and as long as they are going to be equated in terms of monetary value and as long as bridegrooms are going to be offered in the market as marketable commodities, we cannot raise our prestige. I do not think it correct to bring in custom and religion in season and out of season.

Readers of history can know in the name of freedom,—liberty and religion oppression has been created, what tyranny has been practised, Let us not invoke the word 'custom' now and then. I say that it is my conviction that this evil practice, more than anything else, has led our sacred country to the depths of degradation and a state of slavery from which we are now finding it so difficult to extricate ourselves.

I dare say that this is the time to show reasonableness and liberal-mindedness to appreciate the difficulties of the young girls of the poor people who are not able to pay money. This is the time for you to show how you are going to use the power you have in your hands. It is an open challenge whether you are going to use it properly or misuse it.....

Mr. Deputy-Speaker: The hon. Member should finish now.

Shrimati Yashoda Reddy: I just want to say that those who do not oppose the Bill also share the crime

[Shrimati Yashoda Reddy]

of not passing it, because, according to me even though one may not commit, a crime, if you allow it to be committed it is as serious as committing it—For he who allows oppression shares the crime.

I whole-heartedly support this Bill.

श्री वाजपेयी (रायबरेली) : दहेज के प्रश्न पर संसद के दोनों सदनों में मतभेद होना और उस मतभेद के निराकरण के लिये उनका संयुक्त सत्र बुलाया जाना इस बात का संकेत है कि दहेज के प्रश्न पर लोकमत का जितना जागरण और प्रशिक्षण होना चाहिये था, उतना नहीं हुआ है। दोनों सदनों में मतभेद बड़ा प्रामाणिक है और एक सदन अधिक प्रगतिशील है और दूसरा उसकी तुलना में अधिक प्रतिक्रियावादी है, इस प्रकार के विशेषण देकर हम इस समस्या का समाधान नहीं कर सकते। समाज में जो बुराइयां और कुरीतियां आ गई हैं, उनका निर्मूलन होना चाहिये। किन्तु क्या कानून के द्वारा ही समाज का सुधार किया जा सकता है? सभी इस बात को स्वीकार करेंगे कि कानून लोकमत के ऊपर मोहर के रूप में आना चाहिये, उसे लोकमत का स्थान लेने का प्रयत्न नहीं करना चाहिये।

एक बड़ी बुराई सामाजिक कुरीतियों को कानून द्वारा दूर करने के सम्बन्ध में यह देखा गया है कि जो समाज सुधारक हैं, जिन्होंने इन कुरीतियों को दूर करने का संकल्प किया है, एक बार जब कानून बन जाता है तो उनके प्रयत्न शिथिल हो जाते हैं। वे समझते हैं कि उनका उद्देश्य पूरा हो गया और इसका परिणाम यह होता है कि जन जागरण का काम पीछे पड़ जाता है। समाज सुधार के लिये हमने अनेक कानून बनाये हैं, लेकिन लोकमत के अभाव में उनका जितना लाभ होना चाहिये अभी तक नहीं हो रहा है। बालविवाह शादियां हमने अवैध घोषित कर दी हैं। लेकिन देखने में आता है कि लाखों बच्चे प्रति वर्ष विवाह के बन्धन में बांधे जाते हैं।

एक माननीय सदस्य : लाखों ?

श्री वाजपेयी : हां लाखों। मैं अपने निर्वाचन क्षेत्र की बात आपको बताना चाहता हूं। अभी विवाह का मौका था, शादियों का मुहूर्त था। दूध पीने वाले बच्चे और बच्चियां विवाह के बन्धन में बांधे गए हैं और जो कानून है वह अलमारियों की शोभा बढ़ा रहा है। यही बात अस्पृश्यता-निवारक कानून के सम्बन्ध में है। जब से कानून बना है गैर सरकारी प्रयत्न रुक गये हैं। यहां तक कि कांग्रेस के रचनात्मक कार्यक्रम में भी उसका स्थान नहीं रहा। समाज के सुधार के लिये एक स्तर पर, एक स्थिति में, कानून का निर्माण तो हम करें, लेकिन यह मान कर न चलें कि कानून सब रोगों का एक रामबाण उपचार है। हम यह न समझें कि हमने कानून पास कर दिया तो बुराई दूर हो जाएगी और समाज सुधार करने का एक गर्व और उस गर्व के बदले जनता की प्रशंसा प्राप्त करने का अधिकार हमें मिल जायेगा। आवश्यकता इस बात की है कि दहेज प्रथा के निराकरण के लिये लोकमत के जागरण के साथ साथ हम कानून को चलायें आज जो इस कानून को अधिक कड़ा बनाने के पक्ष में हैं, उन के भाषणों को सुन कर मुझे लगता है कि शायद वे समझते हैं कि आगे चलकर इस कानून में संशोधन करने का मौका नहीं मिलेगा। आज हम पहला पग उठा रहे हैं, अगर आवश्यक होगा तो इस कानून में और भी संशोधन हो सकते हैं, आखिर इस को कड़ा बनाने का दरवाजा बन्द तो नहीं किया जा रहा है। लेकिन पहला कदम अन्तिम कदम तो नहीं होना चाहिये। इसलिये जहां इस कानून की आवश्यकता का प्रतिपादन

किया जा सकता है वहां इसको और अधिक कठोर बनाने के प्रयत्नों से मैं सहमत नहीं हूं।

प्रश्न केवल महिलाओं का ही नहीं है, पुरुषों का भी है। मैं ऐसे पुरुषों को जानता हूं जो इस लिये अविवाहित हैं कि उन के पास देने के लिये दहेज नहीं है। समाज के तमाम वर्गों में ब्राह्मणों का एक वर्ग ऐसा है जिस में लड़कियां कम हैं। वहां पर अगर किसी पुरुष को विवाह करना होगा तो उस को कन्या के यहां जा कर दहेज देना होगा। आप कहेंगे कि यह भी बुरा है। बुरा तो है, मगर शादी न करने से दहेज देकर शादी करने की यह बुराई अच्छी है। जो शादी करना चाहते हैं वे इस का अवलम्बन करने के लिये मजबूर होते हैं। आवश्यकता इस बात की है कि देश की आर्थिक प्रगति की जाय, शिक्षा का प्रसार किया जाय, जाति पांति के बन्धन तोड़े जायें, लड़के और लड़कियां उन्मुक्त भाव से विवाह करें और शादियां परमात्मा के यहां नहीं, आपस में तय हों, तभी यह दहेज खत्म हो सकता है। लेकिन आज स्थिति ऐसी नहीं है। स्पष्ट है कि शादियों की समस्या में जो बुराइयां घुस गई हैं उन्हें कानून तथा कलम की नोक से दूर नहीं किया जा सकता।

मैं ने कुछ संशोधन उपस्थित किये हैं। विधेयक की धारा २ में "डाइरेक्टली और इंडाइरेक्टली" शब्द रखें जाये या न रखे जायें, यह चर्चा का विषय बना हुआ है। अभी अनेक वक्ताओं ने कहा कि यह रखा जाय या न रखा जाय, इस से कोई बड़ा अन्तर पड़ने वाला नहीं है। मैं कहना चाहता हूं कि जहां दहेज देने की बात है वहां प्रत्यक्ष या अप्रत्यक्ष का समावेश हो ही जाता है। लेकिन अप्रत्यक्ष देने की बात को अगर हम कानून के शब्दों में रख दें तो उस की व्याख्या इस प्रकार की जा सकती है कि "ऐसी कठिनाई खड़ी हो जाय जो कि हम खड़ी नहीं करना चाहते।"

जहां तक "एक्स्प्लेनेशन" स्पष्टीकरण का सवाल है, मैं ने उस के बारे में एक संशोधन दिया है। यह तो सभी स्वीकार करेंगे कि जो उपहार अथवा भेंट विवाहों के अवसर पर दिये जायेंगे, यदि वे विवाह के "कंसिडरेशन" के रूपमें नहीं हैं, विवाह के कारण के रूप में नहीं हैं, तो इस विधेयक की परिधि के अन्तर्गत उनका समावेश नहीं होगा। लेकिन मेरा निवेदन है कि इस प्रकार के उपहारों पर भी कुछ मर्यादा लगनी चाहिये। जब वैभव का प्रदर्शन किया जाता है चाहे वह कन्याओं के विवाह के अवसर पर हो या पुत्रों के विवाहों के अवसरों पर, हर आदमी अपनी कन्या को कुछ न कुछ देना चाहता है भले ही वह ठहरौनी के रूप में न हो, और उस का प्रदर्शन करता है तो समाज का वातावरण बिगड़ता है। जो नहीं दे सकते हैं उन पर भी उस का असर होता है इस लिये २,००० रु० की मर्यादा अधिक से अधिक देने वालों के ऊपर होनी चाहिये। इस प्रकार की सीमा रखना आवश्यक है।

जहां तक धारा ४ का प्रश्न है, उस में यह व्यवस्था है कि दहेज का मांगना और वह भी डाइरेक्टली और इन्डाइरेक्टली, केवल दहेज का मांगना ही नहीं, अप्रत्यक्ष रूप से मांगना भी दंडनीय होना चाहिये। जो भी इस तरह से मांगेंगे उन को सजा देना चाहिये। दहेज को मांगने पर सजा होनी चाहिये किन्तु उस में से "प्रत्यक्ष या अप्रत्यक्ष रूप से" इस पदावली को निकाल देने के सम्बन्ध में मैं ने एक संशोधन रखा है। मांगने को न्यायालय में कैसे प्रमाणित किया जायेगा? और प्रत्यक्ष मांगने को एक बार प्रमाणित भी कर दिया जाय, अप्रत्यक्ष रूप से मांगने को प्रमाणित नहीं किया जा सकता। कोई पिता कहे कि मेरा लड़का तो मेडिकल कालेज में पढ़ रहा है, मैं उस को बहुत खर्चा देता हूं, इस लिये मैं अभी उस की शादी नहीं करूंगा, पढ़ लिख जायेगा, कमाने लगेगा, तब मैं उस की शादी

[श्री वाजपेयी]

करूंगा । क्या इसके यह अर्थ नहीं निकाले जा सकते कि मेडिकल कालिज की पढ़ाई के लिये दहेज मांगा जा रहा है ? अगर यह अर्थ नहीं लगाये जायेंगे तो उसका निर्णय अदालतों के ऊपर छोड़ेंगे और इस तरह से लोगों के लिये अदालतों का दरवाजा खोल देंगे जिस से मुकदमेबाजी बढ़ेगी, लोगों में कटुता पैदा होगी । कौन शिकायत करने जायेगा और कौन गवाह लायेगा । श्रीमती रेणु चक्रवर्ती भी स्वीकार करती हैं कि जिसे अपनी बेटी का विवाह करना है उसे अदालतों में जाना मुश्किल होगा । एक जगह हो सकता है कि वह मुकदमा जीत जाये, लेकिन बेटी को घर में बिठला कर तो नहीं रख सकता । जब वह किसी दूसरे पिता का दरवाजा खटखटायेगा तो यह मुकदमेबाजी उसके लिये कलंक के रूप में बन जायेगी । मेरा निवेदन है कि धारा ४ रहनी चाहिये, किन्तु उस में से "डाइरेक्टली आर इन्डाइरेक्टली" शब्द निकाल देने चाहियें ।

सरकार की ओर से जो संशोधन आया है, उस से मैं सहमत नहीं हूं । प्रधान मंत्री जी ने उस की जो व्याख्या की है वह तो बड़ी विचित्र है । वे कहते हैं कि हम ग्राम प्रधानों को, ग्राम पंचायतों को यह अधिकार दे देंगे । क्या इसी लिये यह संशोधन रखा गया है ?

एक माननीय सदस्य : ऐसा नहीं कहा है ।

श्री वाजपेयी : उनका भाव यही था । आज की स्थिति में ग्राम प्रधानों को इस प्रकार के अधिकार देना हास्यास्पद है । मैं पूछता हूं उनकी मंशा क्या है ? इस धारा का दुरुपयोग न हो इस लिये यह संशोधन लाया गया है या संशोधन के अन्तर्गत व्यापक अधिकार नीचे तक दे दिये जायें इस के लिये लाया गया है ? मेरा निवेदन है कि इस संशोधन के पीछे जो मन्तव्य है वह इस की परिधि को संकीर्ण करने के लिये है । हो सकता है कि वह दुरुपयोग से बचाने के लिये हो, मगर उसे व्यापक बनाने के लिये नहीं । यह ठीक है कि कानून में सभी अफसरों के नाम नहीं लिखे जाते हैं । लेकिन यदि आप दहेज का मांगना गलत समझते हैं और उसे दंडनीय बनाना चाहते हैं तो इस प्रकार के "प्रोवाइजो" की आवश्यकता नहीं है । जिन्हें अधिकार दिया जाना है, जिनको अधिकारों से युक्त किया जाना है, अन्य विधेयकों की तरह से स्पष्ट रूप से उन का इस के सम्बन्ध में उल्लेख किया जा सकता है और अगर हम समझते हैं कि यह धारा ठीक नहीं, दहेज को मांगना और वह भी अप्रत्यक्ष रूप से लेना अदालत में साबित करना सम्भव नहीं होगा तो मेरा निवेदन है कि आप धारा ४ को इस विधेयक में से निकालने की बात कहें । किसी बीच के मार्ग का अवलम्बन नहीं हो सकता । यह कोई कम्प्रोमाइज की बात नहीं है । यह तो हम ऐसी चीज करना चाहते हैं जिस का करना शायद जरूरी नहीं है । कम से कम मैं इस से सहमत नहीं हूं । मेरा निवेदन है कि इस प्रकार जो इस विधेयक का उद्देश्य है वह पूरा नहीं होगा ।

अन्त में मैं इस बात को फिर दोहराना चाहता हूं कि यह सामाजिक कुरीतियां केवल कानून से दूर नहीं होंगी । जिन दलों के इस सदन में प्रतिनिधि हैं, जो भी संसद् के सदस्य हैं अलग अलग दलों के, उन दलों का काम है कि वे अपने सदस्यों पर इस प्रकार का बन्धन लगायें कि वे इन कुरीतियों में भाग नहीं लेंगे । आज चर्चा हो रही है कि जो साम्प्रदायिकता का परिचय देगा उसे सन् १९६२ के चुनावों में खड़ा नहीं किया जायेगा । क्या सामाजिक कुरीतियां इतना भी महत्व नहीं रखतीं ? क्यों नहीं हर एक दल अपने अपने सदस्यों के लिये इस प्रकार की आचार संहिता बनाता, उन्हें बाधित करता कि वह समाज सुधार के आदर्श बन कर समाज के सामने आयें । लेकिन

अगर हम समझते हैं कि केवल कानून पास करने से महिलाओं की वाहवाही मिल जायेगी, समाज सुधारक का बिल्ला लग जायेगा, चुनाव में लाभ हो जायेगा तो समाज का सुधार नहीं होगा । इन पेचीदा तथा अव्यवहारिक कानूनों से झगड़े बढ़ेंगे, वकीलों की बन आयेगी, अदालतों के दरवाजे खुलजायेंगे और जो समाज सुधार करने वाले लोग हैं वह यह समझेंगे कि काम पूरा हो गया, कानून बन गया । और इस कानून के कारण समाज सुधार के लिए जो गैर सरकारी प्रयत्न चलने चाहिए वे भी शिथिल पड़ जायेंगे । यह स्थिति किसी के लिए ठीक नहीं है । मेरा निवेदन है कि दहेज समस्या के सभी पहलुओं पर विचार करके कोई समुचित निर्णय लिया जाये ।

श्रीमती सीता युद्धवीर (आन्ध्र प्रदेश) : उपाध्यक्ष महोदय, आज जो बिल यहां पर पेश हो रहा है यह बिल दो वर्ष से भी कुछ अधिक समय हो गया जब कि लोक सभा में पास हुआ था, और यह अफसोस की बात है कि लोक सभा और राज्य सभा में एक मत न होने से यह बिल पास न हो सका ।

हिन्दुस्तान की पार्लियामेंट की हिस्ट्री में यह पहला अवसर है कि जो इस बिल के लिए यह ज्वायंट सेशन बुलाया गया है । इस ज्वायंट सेशन के कारण आज इस बिल की अहमियत बढ़ गयी है ऐसा मैं समझती हूं ।

यह डाउरी प्राहिबिशन बिल जो यहां पर पास होगा उससे मैं समझती हूं कि हमारे देश में जितनी सामाजिक बुराइयां हैं वे खत्म हो जायेंगी । यह कानून हमको प्रगति की ओर ले जायेगा और आज तक जो समाज सुधार के लिए कानून बने हैं जैसे सारदा ऐक्ट आदि उनकी गिनती में यह भी रखा जायेगा ।

आज की हमारी आर्थिक प्रगति में जो कमियां और खामियां रह गयी हैं वे केवल सामाजिक बुराइयों के कारण ही रह गयी हैं क्योंकि हमारी पोलीटिकल स्टेबिलिटी और इकानमिक प्राग्रेस दोनों ही हमारे सामाजिक विचारों पर निर्भर करती हैं ।

हमारे समाज में विवाह की गणना यानि कि फैमिली इंस्टीट्यूशन्स बड़े सम्मान के साथ की जाती रही है । लेकिन दुर्भाग्य से आज विवाह के लिए हम जिस रास्ते पर चल रहे हैं वह केवल पैसों का लेन देन है । और समय आने पर खरीदो-फरोख्त को भी अपनाया जाता है । इस देश में हम पहले बेटी को लक्ष्मी के रूप में देखते थे । बेटी के घर में आते ही मां बाप शान्ति का अनुभव करते थे । लेकिन बड़े अफसोस की बात है कि आज बेटी पैदा होते ही हम समझते हैं कि हमारे लिए वह एक प्राबलम के रूप में खड़ी हो गयी और इस कारण जो पहले बेटी के कारण घर में शान्ति आती थी वह खत्म हो गयी है । मैं हैरान हूं कि ऐसा क्यों है । जनसंख्या के फिगर देखने से मालूम होता है कि आज से दस साल पहले एक हजार मर्दों के पीछे देश में ९४४ स्त्रियां थीं और आज एक हजार मर्दों के पीछे औरतों की संख्या ९४० ही है । यानी औरतों की कमी हो रही है । हम देखते हैं कि जिस चीज की कमी होती है उसका भाव बढ़ता है लेकिन फिर औरतों के मामले में यह उलटा क्यों हो रहा है । औरतों का भाव क्यों गिर गया है । मेरी समझ में नहीं आता कि आज हमारी मनोवृत्तियां किस प्रकार काम करती हैं । अगर हम इस कुरीति को नहीं रोकेंगे तो यह हमारे पतन का कारण बनेगी । यह तो अफसोस की बात है कि इस दोष को हम पब्लिक ओपीनियन के जरिये दूर नहीं कर सके और इस बिल को यहां पेश हुए भी इतना समय हो गया पर यह अभी तक पास नहीं हो पाया ।

मुझ से पूर्व वक्ता ने कहा कि अगर हम इस ढंग को अपनायेंगे और इस प्रथा को रोकने के लिये विधान बनायेंगे तो काम

[श्रीमती सीता युद्धवीर]

चलने वाला नहीं है । मैं उनसे कहना चाहती हूं कि जब हमने पब्लिक ओपीनियन के द्वारा शराब पीने की बुराई को रोकना चाहा तो उसमें हमको कामयाबी नहीं मिली और कानून बनाने पर भी पूरी कामयाबी नहीं मिली, तो इसके लिये सरकार को तो दोष नहीं दिया जा सकता । इसमें तो जनता की मनोवृत्ति का दोष है । तो जब हमने शराब पीने के विरुद्ध कानून बनाया तो डाउरी को रोकने के लिये भी क्यों कानून न बनाएं । मैं समझती हूं कि अगर हम इस बिल को इस तरह पास करें कि इसमें ऐसी कोई गुंजाइश न रहने दें कि उसका कोई फायदा उठा सके, तो हमारे देश से ब्लैक मारकेट की बुराई ५० प्रतिशत तो दूर हो जाएगी जो कि किसी प्रकार से कम नहीं हो रही है । बच्चा मां बाप की एक कमजोरी होता है । आदमी अपनी लड़की को अच्छे घर में देना चाहता है ताकि वह सुखी रह सके । अगर ऐसा करने के लिए रुपए की आवश्यकता होगी तो बाप कहीं न कहीं से रुपया लाने की कोशिश करेगा । आज जिस तरह से एक बाप देखता है कि अपने लड़के का ऐसी जगह विवाह करूं जहां ज्यादा रुपया मिले उसी तरह लड़की का बाप भी समझता है कि मैं रुपए के जोर से अपनी लड़की की बुराइयों को ढक दूंगा और उसको अच्छे घर दे दूंगा ताकि वह सुखी रह सके । लेकिन मैंने ऐसे कई कैसेज देखे हैं कि जो विवाह इस प्रकार रुपए के बल से किये जाते हैं वे सफल नहीं होते । लड़की के विवाह के लिए जब रुपए की आवश्यकता होती है तो बाप को कहीं न कहीं से रुपया कमाना पड़ता है और वह गलत तरीके से भी रुपया पैदा करने की कोशिश करता है क्योंकि उसकी लड़की उसकी कमजोरी जो है । तो इस तरह रुपए के लिए मां बाप को गलत रास्ते पर चलना पड़ता है । अगर यह डाउरी की प्रथा बन्द हो जाए तो इस रास्ते पर लोगों को चलने के लिए विवश न होना पड़े ।

इस बिल के जरिये हम समाज के दोष को दूर करने की कोशिश कर रहे हैं । बिल में कोई नुक्स न रह जाए इसके लिए हमें तेजी से आगे बढ़ना चाहिये । अगर कोई कहे कि तेजी से आगे बढ़ने से समाज में कुछ लोगों को नुकसान होगा, तो मेरा उनसे कहना है कि जब भी समाज में बड़े बड़े परिवर्तन किये जायेंगे तो कुछ लोगों को तो नुकसान अवश्य होगा । लेकिन हमको लाखों करोड़ों लोगों के उस लाभ को भी तो देखना है जो कि उनको हजारों बरस तक इस बिल के कारण होगा । इस बिल की वजह से हमारी भावी पीढ़ियों को कितना फायदा पहुंचेगा । इस बिल के उद्देश्यों को आगे बढ़ाने के लिए हमें रिवोल्यूशनरी तरीके से आगे बढ़ना चाहिये ।

इस समय जो मतभेद है वह एक प्रकार का अवरोध सा है । दोनों सभाओं में जो तरमीमें इस बिल में पास हुई उनसे मालूम होता है कि राज्य सभा तेजी से आगे बढ़ना चाहती है और लोक सभा धीरे धीरे आगे बढ़ना चाहती है । ज्यादातर तो यह देखा गया है कि लोकसभा तेजी से आगे बढ़ना चाहती है, मगर मुझे अफसोस है कि इस बिल के मामले में न जाने क्यों लोक सभा धीरे धीरे कदम उठाना चाहती है ।

इस बिल के क्लाज २ के मुताल्लिक चर्चा हुई है । उस क्लाज में डाउरी की परिभाषा दी गयी है । जब यह बिल सिलेक्ट कमेटी के सामने गया तो उसने डाउरी शब्द की परिभाषा को ब्राड कर दिया । उन्होंने क्लाज में कुछ शब्दों को जोड़ दिया, जिनको लोक सभा ने निकाल दिया और राज्य सभा ने उन शब्दों के वहां रखने का निर्णय किया है । वह शब्द हैं (either directly or indirectly) अगर इन शब्दों को न जोड़ा जाए तो हम पिछले दरवाजे

से डाउरी लेने का मौका देंगे। तो यह दरवाजा तो हमें बन्द करना पड़ेगा। मैं कहना चाहती हूं कि जो इन शब्दों को रख कर सिलेक्ट कमेटी ने सारे दरवाजों को बन्द कर दिया है इसलिये इन शब्दों को वहां पर रखा जाए।

दूसरा मतभेद है उस एक्सप्लेनेशन के बारे में जो कि इस बिल में सन्देहों को दूर करने के लिये जोड़ा गया है। ओरिजिनल बिल में यह दिया गया है कि डाउरी गहने, कपड़े आदि उपहारों के रूप में दो हजार से ज्यादा न दी जाए। ओरिजिनल बिल में दो हजार तक की डाउरी की गुंजाइश रखी गयी है। ज्वाएंट सेलेक्ट कमेटी ने इस चीज को निकाल कर इस बिल को एक अच्छा रूप दिया है मगर मुझे अफसोस है कि लोक सभा ने एक ऐक्सप्लेनेशन जोड़ कर बिल को कमजोर कर दिया है। २००० रुपये की लिमिट को भी निकाल दिया है। इससे प्रेजेंट्स के नाम से डाउरी देने और लेने की काफी गुंजाइश रहती है। इसलिये मैं चाहती हूं कि इस ऐक्सप्लेनेशन को निकाल दिया जाय और ज्वाएंट सेलेक्ट कमेटी ने जो तय किया है उसे रक्खा जाय।

अन्त में मुझे यही कहना है और मेरा तो यह विश्वास है कि आज जो हम यहां पर एक महत्वपूर्ण बिल को पास करने के लिये एकत्रित हुए हैं, जो एक तमाम हिन्दुस्तान की क्रीम के रूप में सदस्यगण यहां पर इकट्ठा हुए है, अगर हम सब लोग अपने सीने पर हाथ रख कर यहां से निकलते वक्त यह प्रण लेकर निकलें कि हम न तो दहेज देंगे न लेंगे तो हिन्दुस्तान में से यह दहेज की कुप्रथा समाप्त हो जायगी।

पंडित ठाकुर दास भार्गव (हिसार) : उपाध्यक्ष महोदय, मैं आपका बहुत शुक्रिया अदा करना चाहता हूं कि आपने मुझे इस बिल पर अपने खयालात के इजहार करने का मौका दिया है। अब वैसे देखने में तो यह डाउरी का सवाल छोटा सा मालूम होता है लेकिन दरअसल यह बड़ा ही पेचीदा सवाल है। इसलिये इसमें कोई ताज्जुब की बात नहीं होनी चाहिये अगर इस पेचीदा सवाल को समझने में दोनों हाउसेज में कुछ आपस में मतभद पैदा हो गया हो और थोड़ी सी दिक्कत पैदा हो गई हो।

सच बात तो यह है कि डाउरी बिल लोक सभा में हमारे सामने दो, तीन दफे आया। हमने बड़े गौर से उसके ऊपर बहस की और मुझे यह कहते हुए खुशी महसूस होती है कि असल मानों में किसी लोक सभा के मेम्बर में और दूसरे लोक सभा के मेम्बर में इसके बारे में एख्तलाफ नहीं है। अब मसलन हमारी श्रीमती पार्वती कृष्णन् और श्रीमती रेणु चक्रवर्ती एक स्कूल को रिप्रजेंट करती हैं, दूसरे स्कूल को मैं रिप्रजेंट तो नहीं करता लेकिन वह कहती हैं कि मैं रिप्रजेंट करता हूं, मैं यह अर्ज कर सकता हूं कि मैंने उनकी स्पीचेज को सुना और जिस प्वाएंट आफ व्यू से मैं देखता हूं उसमें और उनके प्वाएंट आफ व्यू में कोई फर्क नहीं है। मैं उनकी स्पीचेज में से कोट कर सकता हूं कि उन्होंने जो इस बारे में कहा है और मेरा जो उस बारे में कहना है, जहां तक बेसिक सवाल का ताल्लुक है उसमें कोई फर्क नहीं है। उसी तरह से जहां तक बसिक सवाल का सम्बन्ध है दोनों हाउसेज के बीच में भी फर्क बहुत कम है।

हम लैग्वज जो सोचा करते हैं वह प्रसाइस नहीं है। जिस दिन यह बिल हाउस में आया था और इस पर हाउस में बहस हुई थी तो हमारे ला मिनिस्टर साहब ने इस डाउरी की तारीफ की थी लेकिन दरअसल डाउरी को अभी तक हम डिफाइन नहीं कर सके हैं। डाउरी की तारीफ आज तक हम नहीं कर सके हैं और यह है भी एक जरा काफी मुश्किल चीज। "डाउरी" अंग्रजी का लफ्ज है जो कंसिडिरेशन के सेंस में आता है। यह कंसिडिरेशन का लफ्ज आज तक किसी अंग्रेज ने डिफाइन नहीं किया, न ही कंट्रैक्ट एक्ट में

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उसको डिफाइन किया है और न किसी और जगह ही उसको डिफाइन किया गया है । अलबत्ता डाउरी से जो एक मामूली आदमी मतलब समझता है वह ऐक्सप्लेनेशन के अन्दर मौजूद है । डाउरी की तारीफ उसके अन्दर मौजूद है । अब चूंकि लैंग्वज प्रसाइज नहीं है इसलिये हर आदमी अपनी तरह से उसका मतलब लगाता है ।

जहां तक हमारे देश का सवाल है हम से हर एक शख्स भले ही जबान से चाहे वह कुछ ही कहे यह बेसिक चीज है कि हर एक शख्स मर्द और औरत और हर एक कुनबे वाला अपनी लड़की की शादी के मौके पर गिफ्ट देता है । लड़की के वालदैन शादी के मौके पर गिफ्ट देते हैं और आज से नहीं बल्कि हमेशा से यह गिफ्ट्स दिये जाते रहे हैं । अब यह कहना कि वालदैन अपनी लड़कियों को शादी के मौके पर गिफ्ट्स न दें या उनको गिफ्ट्स नहीं देने चाहियें यह उसूलन सही नहीं होगा और कोई इसको मानने को तैयार नहीं होगा । इसके साथ ही कोई भी हिन्दुस्तानी ऐसा नहीं होगा जो शादी के मामले में लड़के और लड़की को कमर्शियल प्रोपोजीशन बनाने के वास्ते तैयार होगा और लड़के या लड़की की शादी के मौके पर वह इस तरह से दूसरी पार्टी से रुपया छीनेगा । लेकिन मुझे अफसोस के साथ कहना पड़ता है कि हमारे देश में बहुत सी कुरीतियां चल रही हैं ।

मैं आपको बतलाऊं कि गवर्नमेंट ने जो १९२८–१९२९ में ऐज औफ कंसेंट कायम की थी उसका एक मेम्बर होने के नाते मुझे सारे देश का दौरा करने का मौका मिला था और मैंने देखा था कि इस देश में शादी के मुताल्लिक क्या क्या कुरीतियां चल रही हैं । आप यह सुन कर हैरान होंगे और मुझे भी तब तक नहीं मालूम था कि यहां पर लड़की वाले लड़के वालों से ब्राइड प्राइस वसूल करते हैं । लड़की वाला लड़के वाले से कहता है कि अगर तुम्हें मेरी लड़की को शादी में लेना है तो तुम्हें उसके लिये इतनी प्राइस देनी होगी इतना शुल्क देना होगा । अगर इतना शुल्क अर्थात् ब्राइड प्राइस नहीं दोगे तो मैं शादी नहीं करूंगा । आज भी हिन्दुस्तान में यह ब्राइड प्राइस की कुरीति चल रही है । लड़की की कीमत वसूल की जाती है और यह चीज ऐसी है कि हम सब लोगों को शर्म से अपना मुंह छिपा लेना चाहिये । आज भी हमारे देश में लाखों की तादाद में छोटी उम्र में शादियां होती हैं, छोटे बच्चों की शादियां होती हैं और हालत यहां तक है कि बच्चा पैदा भी नहीं होता है कि उसकी सगाई हो जाती है । अब यह हकीकत हमारे देश में है । इसको छिपाने से क्या फायदा है ?

डाउरी जिसको कि ब्राइड प्राइस कहते हैं मैं बतलाना चाहता हूं कि बिहार के ब्राह्मणों के अच्छे खानदानों में यह बुराई चलती है और जब मुझे बड़े बड़े लोगों ने उसकी बाबत बतलाया कि वहां पर यह ब्राइड प्राइस एक आम दस्तुर है तो मैं तो हैरान रह गया । हमें न सब बुराइयों को दूर करना है और उसके वास्ते प्रौपर ऐटमौसफियर पैदा करना है । लेकिन यह सब चीजें और हकीकतें मैं आपको ही बतलाना चाहता हूं और अगर मुझ से कोई दूसरा मुल्क वाला नकी बाबत पूछे तो मैं उसके सामने यह सब कहने वाला नहीं हूं कि हमारे मुल्क में ऐसी गंदी चीज मौजूद हैं । हमें और आपको इन बुराइयों से लड़ना है और अपने देश व समाज को उनसे पाक करना है ।

सी हाउस में डित जी ने कांस्टीट्यूशन का प्रीएैम्बिल पास किया । जिसमें यह कहा गया था कि हर एक आदमी को हम एकोनामिक जस्टिस देंगे और उसके बाद हमने फंडामेंटल राइट के मुताल्लिक दफा १९ पास की । अब उसके मुताबिक हर एक आदमी को इस का पूरा हक है कि वह अपनी जायदाद जिसे

चाहे दे दे और मैं तो अपने ला मिनिस्टर साहब से यह जानना चाहूंगा कि अगर आप यह उसूल मानते हैं तब आपको इसमें क्या ऐतराज है और इसको ऐक्सप्लेनेशन के साथ क्यों नहीं पास करते ? मैं इस मौके पर गवर्नमेंट को मुबारकबाद देने के लिए यार हूं हालांकि मैं अक्सर गवर्नमेंट को मुबारकबाद नहीं दिया करता हूं लेकिन इस मौके पर मैं गवर्नमेंट को मुबारकबाद देना अपना फर्ज समझता हूं कि उसने कांस्टीट्यूशन में हर एक शहरी को यह फंडामेंटल राइट दिया हुआ है। अब साफ की बात तो यह है कि अगर आप उस उसूल को मानते हैं तो दफा १६ के मुताबिक जो गिफ्ट्स बाप अपनी लड़की को शादी के मौके पर देना चाहे वह कंसिडिरेशन ऑफ मैरिज न समझा जाकर डाउरी न समझा जाय। जो बाप अपनी मर्जी से बगैर किसी जोर जबर्दस्ती के शादी के मौके पर अपनी लड़की को चीजें देना चाहे वह डाउरी नहीं जानी चाहिए। डाउरी वह उसी हालत में समझी जायगी जब उसके अन्दर कोई कोअर्शन या जबर्दस्ती की जायगी। डाउरी जब उसको माना जाय जब उसकी देने की मंशा न हो और दूसरा फरीक उससे जबर्दस्ती निकलवाये। वह चीज यकीनन बुरी है।

यह हर एक मां बाप का फर्ज है कि वह उस लड़की को जिसको कि वह पाल पोस कर बड़ा करता है, शादी के मौके पर जब कि वह उसका एक नया घर बसवाता है तो वह यह कोशिश करता है कि मेरी लड़की अपने नये घर में खशहाल रहे और अगर वह उस मौके पर कुछ गिफ्टस वगैरह देता है तो उसको डाउरी नहीं माना जाना चाहिए। अलबत्ता जबर्दस्ती से कोई भी शख्स अगर लड़को या लड़के की शादी के सिलसिले में दूसरी पार्टी से पैसे ऐंठता है तो यकीनन वह चीज गलत है और उसको रोका जाना चाहिए।

डाउरी के बारे में जो एक्सप्लेनेशन एक्ट में रक्खा गया है वह बहुत ही मुनासिब है और मैं तो समझता हूं कि अगर वह ऐक्सप्लेनेशन न रहे और उसको आप ऐक्ट में से निकाल दें तो यह बिल ऐसा बन जायगा जिसको कि कोई छुएगा तक नहीं। आप हिन्दुस्तान के अन्दर एक रेवोलूशनरी चीज करने जा रहे हैं। अब अगर यह ऐक्सप्लेनेशन नहीं रहता है तो फिर से हिन्दुस्तान में कोई मां बाप अपनी लड़की को कुछ नहीं दे सकेंगे क्योंकि वह डाउरी की डेफनीशन में आ जायेंगे। ऐक्सप्लेनेशन न रहने से तो जो बाराती लड़की वाले के घर आते हैं और उनको जिमाया जाता है खाना वगैरह दिया जाता है वह भी डाउरी की डेफिनीशन में आ जायगा। इसी तरह से एक रुपया लड़की के भाई और अन्य रिश्तेदार तिलक में देते हैं वह भी डाउरी की डेफनीशन में आ जायेगा। इसलिए मेरा कहना है कि ऐक्सप्लेनेशन तो इस बिल की जान है और उसको बिल में से नहीं हटाया जाना चाहिए।

अब मैं उस क्रिटिसिज्म के बारे में कहना चाहता हूं कि इस ऐक्सप्लेनेशन का मतलब यह कि जो बाप अपनी लड़की को शादी के मौके पर कुछ देना चाहे वह दे दें। ला मिनिस्टर साहब ने यह यही क्रिटिसिज्म की है। मैं उन को और इस ऐवान को यह याद दिलाना चाहता हूं कि जिस वक्त यह बिल हमारे सामने आया, तो डिप्टी मिनिस्टर, श्री हजरतवीस, ने एक अमेंडमेंट दी, जिस में वही तारीफ़ भी शामिल थी, जो कि आज है। उस तारीफ़ से ला मिनिस्टर साहब मुतमईन नहीं हुए और उन्होंने अपने डिप्टी मिनिस्टर की अमेंडमेंट पर एक अमेंडमेंट पेश की और वह अमेंडमेंट निहायत माकूल थी। पहली अमेंडमेंट अव्वल दर्जे की माकूल थी और दूसरी अमेंडमेंट, जो ला मिनिस्टर साहब की अमेंडमेंट, उस से भी ज्यादा माकूल थी। उन दोनों अमेंडमेंटस से जो नतीजा निकला, वह मेरी दी हुई अमेंडमेंट के एन मुताबिक था और मैं उस से बहुत खुश था, क्योंकि वकीलों के दिमाग अक्सर एक तरह से चलते हैं। मैं खुद जानता था कि हम ने कांस्टीट्यूशन का जो आर्टिकल ६ पास किया है, हम उस को टूटने नहीं देंगे और उस में हम न

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जो कसम खाई है, उस को पूरा करने के लिये हम जान लड़ा देंगे ।

जहां तक इस बातका ताल्लुक है कि लड़के या लड़की से टके खरे किये जायें, हम सब उस के सख्त खिलाफ़ हैं । ला मिनिस्टर साहब और डिप्टी मिनिस्टर साहब ने जो अमेंडमेंट दिये थे, उन से वह एक्सप्लेनेशन बना था । वह उन के अपने दिमाग़ की इख्तरा है और उन दोनों की मुश्तर्का कोशिश का नतीजा है, जिस को हाउस ने ४० वोट्स के मुकाबले में १८३ वोट्स से मन्जूर किया और बहुत राज़ी-खुशी मन्जूर किया । मैं दाद देता हूं कि जो कुछ उन्होंने किया, वह इतना माकूल और अच्छा किया, हिन्दुस्तान की स्पिरिट और हालात के मुताबिक किया, कि उस से सारे देश में बड़ा इत्मीनान हुआ । अगर वह यह कर देते कि कोई शख्स अपनी लड़की को एक रुपया भी नहीं दे सकता, मंगल-सूत्र नहीं दे सकता, कुछ खर्च नहीं कर सकता, शादी पर बरातियों की खातिर नहीं कर सकता तो देश में बड़ा भारी डिस-सैटिसफ़ैक्शन होता । यह ठीक है कि कुछ लोगों को इस से भी डिस-सैटिसफ़ैक्शन होगा । मिसाल के तौर पर जब एक्सप्लेनेशन पास किया किया गया, तो श्रीमती रेणु चक्रवर्ती गुस्से में हाउस से उठ कर चली गईं । अभी मैं ने श्रीमती रेणु चक्रवर्ती और श्रीमती पार्वती कृष्णन का हवाला दिया । जो कुछ मैं ने कहा, वही उन्होंने कहा । हम दोनों में कोई फ़र्क नहीं है । उन्होंने कहा कि अगर मां-बाप कुछ देना चाहें, तो वे दे सकते हैं ।

श्री त० ब० विट्ठल राव : श्रीमती पार्वती कृष्णन् कहती हैं कि फ़र्क है ।

पंडित ठाकुर दास भार्गव : यह उन की समझ का फ़र्क है । जहां तक इस उसूल का ताल्लुक है कि लड़की को दान देना ग़लत है, मैं खुले तौर पर उस की तरदीद करना चाहता हूं । मैं कहता हूं कि लड़की को देना एक मेरी तो रथस एक्ट है और हर एक मां बाप को अपनी फ़िनान्शल कम्पीटेंस और अपने सब बच्चों का लिहाज़ कर के अपनी लड़की को देना चाहिए और यह उन का ऐन फ़र्ज़ है । यह कहना कि वे नहीं दे सकते, उसूलन ग़लत है । उन्होंने यही कहा था । अगर वे चाहें, तो मैं उन की स्पीच को क्वोट कर सकता हूं । यही दो उसूल इस बिल में कायम हुए हैं ।

इस सिलसिले में यह कहा जा सकता है कि सब कुछ देने की इजाजत दे दी गई है, अब इस बिल में क्या रखा है । मैं अर्ज करना चाहता हूं कि इस बिल में यह रखा है कि अगर एक पैसा भी उस ग़र्ज़ से दिया जाता है, जिस को कनसिडरेशन आफ़ मेरिज कहते हैं, तो वह बिल्कुल नाजायज़ हो जाता है । आप जानते हैं कि शादी के मौके पर लड़की को मां-बाप भी गिफ्ट देते हैं और ससूर और खाविन्द की तरफ़ से भी गिफ्ट दिये जाते हैं और हजारों वर्षों से ऐसा हो रहा है । वे जो कुछ देते हैं, वह लड़की का सारी उम्र के लिये असासा हो जाता है । हम शास्त्रों में जिस स्त्री-धन के बारे में पढ़ते हैं, उस को मां-बाप ही देते थे, जो कि लड़की का असासा होता था और जो बाद में खानदान का असासा बन जाता था । उस स्त्री-धन को आनरेबल मिनिस्टर साहब ने अपने आरिजिनल बिल में बचाया । आन्ध्र प्रदेश और बिहार में जो बिल पास किये गये, उन में भी स्त्री-धन को बचाया गया और इस बिल में भी उस को बचाया गया है । मैं अर्ज करना चाहता हूं कि यह सारी दुनिया का कायदा रहा है और इस में शर्मिन्दा होने की कोई बात नहीं है । विलायत में औरतों को पहले हक नहीं था और १८८३ में वहां मैरिड विमेन्ज प्रापर्टी ऐक्ट पास किया गया । स्विटज़रलैंड में आज तक औरतों को वोट देने का हक नहीं है । हम खुश-किस्मत हैं कि हमारे लीडरान ने औरतों को सब हुकूक दिये और आहिस्ता आहिस्ता हम ने सब मामलों में उन को पूरे हुकूक दिये हैं । हम ने अपने मुल्क में औरतों को राइट आफ़ प्रापर्टी

और राइट आफ़ इनहैरिटेंस दिया है । मैरिज ऐक्ट में भी हम ने शादी करने के बारे में मर्द और औरत में तमीज नहीं की है और यह मुनासिब भी है, क्योंकि किसी मुल्क की सिविलाइजेशन का अन्दाजा इस बात से लगाया जाता है कि वहां औरतों के साथ क्या सलूक होता है ।

डा० श्रीमती सीता परमानन्द : पंजाब में आप औरतों को मां-बाप की प्रापर्टी का हक नहीं देना चाहते हैं । तो फिर यह कैसे कह सकते हैं कि उन का राइट आफ़ इनहैरिटेंस दिया है ?

पंडित ठाकुर दास भार्गव : मैं डंके की चोट से कहता हूं कि प्रापर्टी का हक उन को है और बाप की जायदाद में राइट आफ़ इनहैरिटेंस दिया है, लेकिन वह किसी कद्र कम है, यह मैं खुद जानता हूं । मैं चाहता हूं यह हट जाये और उन को पूरा हक हो जाये । दायभाग में पूरा हक है और मिताक्षरा की खास हालत की वजह से उस में हक कम है और मैं चाहता हूं कि मिताक्षर हट जाये । उन को शायद यह मालूम नहीं है ।

अब मुझे थोड़ी शिकायत करनी है । मैं ने इस बिल पर दूसरे हाउस की सारी बहस पढ़ी । मैं देखता क्या हूं कि वहां पर एक आनरेबल मेम्बर साहब ने, जिन का नाम मैं बाद में बताऊंगा अगर जरूरत पड़ी, यह शिकायत की कि दोनों ला मिनिस्टर साहबान मेरे साथ मिल गये, मैंने उन पर प्रैशर डाल कर उन को दबा दिया, उन की अपनी इंडिपेंडेंट ओपीनियन नहीं रही और उन्होंने वही अमेंडमेंट दे दिये, जो कि मैं चाहता था । इस बारे में शायद उन का तजर्बा कम है और वह जानते नहीं हैं कि सारी उम्र मिनिस्टर्ज की अमेंडमेंटस की मुखालिफ़त करता रहा हूं और अपनी अमेंडमेंटस देता रहा हूं । वह आनरेबल मेम्बर मुझे जानते नहीं हैं जो उन्होंने मेरा जिक्र इस तरह किया कि "भार्गव, पान्टिफ आफ रीएक्शनरी-इज्म एंड कनजरवेटिज्म", जो हमेशा ही सोशल रिफ़ार्म्ज के खिलाफ़ रहा है—इस लिये कि वह डाइवोर्स के खिलाफ़ है । मैं इस लफ्ज पान्टिफ को बुरा समझता हूं और शायद वह नहीं जानते कि मैं ने हमेशा डाइवोर्स का सपोर्ट किया है । मैं ने क्या काम किया है, उन को मालूम नहीं है, लेकिन वह कहते हैं कि दोनों मिनिस्टरों ने मेरे दबाव में आ कर अपनी इंडिविडुऐलिटी को खो दिया और मेरे मातहत हो कर काम किया । मुझे इस का सख्त अफ़सोस है, लेकिन अपने बारे में मुझे अफसोस नहीं है । मैंने सारी उम्र इस तरह की बुराई की परवाह नहीं की मैं तो उनको मुहब्बत की नजर से देखता हूं और वे जब चाहे, मुझ से पूछ लेते तो अच्छा होता । जिन मिनिस्टर्ज से मेरी बातचीत नहीं हुई, उनके बारे में यह कहना कि मेरे दबाव में आकर उन्होंने अपनी इंडिविडुएलिटी खो दी और हमने मिल कर कान्स्पायर करके देश के बरखिलाफ यह कानून बना दिय, मैं समझता हूं कि हाइट आफ इनजस्टिस है और उनको यह नहीं कहना चाहिये था । उस हाउस आफ एलडर्ज में ऐसी बातें हुईं, मुझे इसका अफ़सोस है । मैं बारह तेरह बरस से पैनल आफ चेयरमैन में लोक सभा में रहा हूं । एक मर्तबा भी ऐसी बात नहीं कही गई है और जो मेम्बर मौजूद नहीं हैं, उसके खिलाफ इस तरह के चार्जिज नहीं लगाये जाते हैं । मैं मिनिस्टर साहबान का वार्ड नहीं हूं और कानूनों के बारे में मैं रोज उनकी मुखालिफ़त करता हूं, लेकिन इस वक्त मैं दोनों मिनिस्टर साहबान की तारीफ़ करता हूं । उन्होंने जो काम किया है, उसके लिये उनका नाम रहेगा । उन्होंने एक निहायत अच्छा काम किया है । मुझे ताज्जुब है कि यह ला मिनिस्टर साहब की अपनी तसनीफ़ है और एक्सप्लेनेशन में उन के अपने अलफ़ाज हैं, लेकिन फिर भी वह कहते हैं कि हाउस अपना फ्री वोट दे और वह इस को रखे या न रखे ।

[पंडित ठाकुर दास भार्गव]

मैं अर्ज करना चाहता हूं कि हाउस को इस बारे में अच्छी तरह से और सोच समझ कर काम करना चाहिये । अगर इस एक्स-प्लेनेशन का हटा दिया गया, तो यह बिल देखने के काबिल नहीं है । तब यह इन्साफ़ पर मबनी नहीं होंगा और इस के जरिये हम हजारों लाखों नौजवान लड़कियों के हुकूक के साथ खेलेंग और उनको जो सम्पत्ति मिलती है, जो स्त्री-धन, है, उससे हम उनको महरूम करेंगे । इससे बड़ी बे-इन्साफी मेरे दिमाग़ में और नहीं हो सकती है । अब तो वह वक्त आ रहा है कि उन को और हुकूक देने चाहियें । हम देख रहे हैं कि सारी दुनिया में लड़के-लड़कियों, नौजवानों, को पूरे हुकूक मिल रहे हैं, लेकिन मेरे कुछ दोस्त दूसरे तरफ चल रहे हैं और उन को अपनी सम्पत्ति से महरूम कर रहे हैं । एक औरत सारी उम्र बच्चों की खिदमत करती है । आप नहीं खाती है, उन को खिलाती है । अपने मां-बाप और खाविन्द की खिदमत करती है । उसके साथ इन्साफ़ होना चाहिये और उसको ज्यादा हुकूक देने चाहियें, लेकिन यहां पर यह ख्याल ज़ाहिर किया जा रहा है कि उसके हुकूक को छीन कर मां-बाप को कहा जाये कि तुम को हक नहीं है कि तुम उस को कुछ दो और डावरी की तारीफ यह की जाती है कि अगर एक रुपया भी दिया जायगा, तो वह जुर्म होगा । इसलिये मैं अर्ज करना चाहता हूं कि जहां तक स्त्री-धन का सवाल है, उसमें और एक्सटेंशन होना चाहिये ।

मैं समझता हूं कि दफ़ा ४ बहुत जरूरी है । एक तरफ़ हम कहते हैं कि डावरी खराब चीज़ है,लेकिन दूसरी तरफ कहते हैं कि जो डावरी डिमाण्ड करे, उस को न छुएं । अगर डावरी लेना एक जुर्म है, तो कोई शख्स उसको ने लेमें कामयाब हो, या न हो, वह मुजरिम है । अगर डावरी डिमाण्ड करने वाले को सज़ा न दी जायेगी, तो इसका मतलब यह होगा कि अगर वह कामयाब हो गया, तो डावरी मिल जायगी, और अगर कामयाब न हुआ, तो उसका कुछ नुकसान नहीं होगा, उसको कोई सज़ा नहीं मिलेगी । मैं खुश हूं कि आनरेबल मिनिस्टर साहब ने एक अमेंडमेंट दी है, जिसका मतलब यह है कि वे दफा ४ के पाबन्द हैं । ओरिजिनल ऐक्ट में दफ़ा ४ मौजूद थी और आज भी वह मौजूद है । उसकी अमेंडमेंट आज भी वह मौजूद है । उसके अमेंडमेंट के के माने ये हैं कि वह दफा ४ के उसूल को मानते हैं । शारदा ऐक्ट में इस बारे में हमने यह रखा था कि नोटिस जारी करने से पेश्तर तहकीकात की जाये । या तो उस उसूल को रखें, या यह रखें कि फिजूल और मैलीशस मुकदमे न चलाये जा सकें ।

इन अल्फाज़ के साथ मैं आपका शुक्रिया अदा करता हूं ।

Shri Jaganatha Rao (Koraput) Mr. Deputy-Speaker, Sir, it is unfortunate that three points of difference could not be settled between the two Houses. If examined closely, I find practically there is no difference of opinion.

Firstly, the objective is with regard to the retention of the words "either directly or indirectly" in clause 2. The definition, as it is, without these words, in a way covers cases of persons, not being parents or guardian of either party but a third party, who pays or receives presents. But there may be cases where an indirect payment is made or agreed to be made, on a future date. So, the retention of the words "either directly or in-indirectly" are necessary and cannot be considered redundant.

The second objection is with regard to the retention of the explanation, which has been inserted by Lok Sabha. I consider that explanation necessary for more than one reason. If we read the definition of the word "dowry", it reads thus:

"In this Act, 'dowry' means any property or valuable security given or agreed to be given—"

What is a property? This explanation is in the nature of a proviso or an exception. Marriages in India are more religious in character and we see very few instances of civil marriage. During the marriage ceremony some sort of present is given by one party to the other. This explanation seeks to remove certain doubts with regard to some presents and gifts made at the time of marriage by either party or the relations of either party. So, the retention of the explanation is quite necessary and it should not be understood as meaning that it would take away the effect of the definition of "dowry".

The more contentious clause appears to be clause 4. If you read clause 3, taking or giving of dowry and the abetting thereof are made offences. As we understand clause 4, an attempt to take or give dowry is made an offence. But, according to me, clause 4 as worded...

Mr. Deputy-Speaker: Order, order. Hon. Members should realise that today we are meeting in the Central Hall in different circumstances.

Shri Jaganatha Rao: I feel that clause 4, as it stands, is not properly worded. The intention appears to be that the attempt to take or give dowry should be made punishable. It is quite all right. This object could be achieved if in clause 3, after the words "gives or takes or abets" the words "or attempts" are inserted. But if Government consider that there should be a separate clause, then it should be made clear that an attempt to take dowry would be punishable. The clause is now loosely worded.

I pose a question. Suppose, for instance, the father of the bride goes to the father of the boy, but the father of the boy says "do not talk to me; I believe in taking dowry". The father of the bride returns. Is the offence of demanding dowry committed by the father of the boy under this Bill? The intention appears to be to make the attempt an offence. So, the clause should be properly worded, or in the marginal note you can insert the word "attempting" at the proper place.

Fears have been expressed that if clause 4 is retained it will cause harassment to the public. I do not agree with that view. Every criminal law, every penal law is an instrument of harassment. But my experience as an advocate of over 25 years' standing is that very few instances do occur in the day to day life in which the public are harassed. This proviso is a safeguard against such harassment. If I remember aright, in the Child Marriage Restraint Act of 1929 there used to be a clause which insisted that a sum of Rs. 1,000 should be deposited by a person who goes to the court to register a complaint. Later on, that clause has been deleted. Formerly, the offences under the Child Marriage Restraint Act were non-cognisable. Later on, they were made cognisable.

So, the retention of the proviso allays such fears. I do not see any reason for the fears expressed by some hon. Members here that this proviso would take away the effect of clause 4. By and large, it is a social reform, by which we want to eradicate the evil which has remained in the country for a long time. With that object we have passed the untouchability law and the prohibition law. It is for the society to realise the need to have these reforms. It is social education that is required and this Bill, when it becomes an Act, will have the effect of educating the public and society. The social conscience has to be aroused and this will be done when the Bill is passed. So, the Bill should be welcomed by all sections of the public.

श्री जुगल किशोर (पंजाब) : आज सुदर्शन कुमारी की क़ुर्बानी जो दिल्ली के ए० डी० एम० की एक बहादुर बेटी थी, रंग

[श्री जुगल किशोर]

लाई है। मैं अर्ज करूं कि उस बहादुर बेटी ने डावरी की बलि वेदी पर बैठ कर अपने आप को कुर्बान कर दिया। आज उसी का नतीजा है कि इस बिल पर यहां गौर हो रहा है। यह कुर्बानी उसने १९५८ में की। उस वक्त अखबारों में इसका बहुत चर्चा हुआ। उस चर्चा से मुतासिर हो कर मैंने डावरी रेस्ट्रेंट बिल राज्य सभा में रखा। उसी बिल के नतीजे के तौर पर आज हम यहां इकट्ठे हुए हैं और इस डावरी के बारे में सोच विचार कर रहे हैं।

यह डावरी वह चीज है जो कि तमाम बुरी रसमों की जड़ है, तमाम कुरीतियों की जड़ है। यह डावरी ही तमाम बुराइयों की जड़ है। आप पूछ सकते हैं कि यह कैसे है? इसके जवाब में मैं आपकी सेवा में अर्ज करना चाहता हूं कि आज बहुत शोर है कि पुरुषों और स्त्रियों को बराबर के हुकूक हासिल हैं। इस इक्वैलिटी की हम दाद देते हैं। लेकिन मैं पूछना चाहता हूं कि जिस वक्त किस घर में लड़का पैदा होता है, तो आप खुशी मनाते हैं लेकिन जिस वक्त लड़की पैदा होती है, तो आप क्या कहते हैं? हमारी तरफ तो कहा जाता है कि डिग्री आ गई। उस डिग्री को पूरा करने के लिये बेटी का बाप ना-मालूम क्या क्या कुकर्म करता है। वह रिश्वत लेने पर, चोर बाजारी करने पर, और तरह तरह के जितने भी पाप हैं सब डिग्री को पूरा करने के लिये करने पर उतारू हो जाता है।

यह कहा जाता है कि बहनों को इक्वैलिटी दे दी गई है, उनको गवर्नर बना दिया जाता है, उनको डिप्टी मिनिस्टर बना दिया गया है, कइयों को मैम्बर पार्लिमेंट भी बना दिया गया है। इस तरह की बातों से हम खुश हो जाते हैं कि हमने औरतों को, देवियों को अपने बराबर कर दिया।

लेकिन मैं आपकी सेवा में अर्ज करना चाहता हूं कि आप देहात में जाकर देखें कि जो लड़कियां शादी के काबिल हैं पर जिनके बाप दहेज नहीं दे सकते उन लड़कियों की क्या हालत है। वे लड़कियां आज घरों में बैठीं सर्द आहें ले रही हैं। और वे देख रही हैं आपकी तरफ कि यह जनता के नुमायन्दों का इजलास सेंट्रल हाल में बैठ कर इस दहेज प्रथा को हटाने के लिए क्या करता है। आज देश की सारी जनता आपकी तरफ देख रही है और खास तौर से वे लोग जो कि मिडिल क्लास के और गरीब तबके के हैं। अमीरों को तो डाउरी देने में कोई फर्क नहीं पड़ता। वे तो एक दूसरे से देते लेते रहते हैं लेकिन उनकी देखा देखी मिडिल क्लास के और गरीब आदमियों पर असर पड़ता है और उनसे भी डाउरी मांगी जाती है। मैं आपको हरियाने के देहात के बारे में बताना चाहता हूं, जहां से मैं आया हूं, कि आज चार पांच हजार डाउरी दिए बगैर एक गरीब आदमी भी अपनी लड़की की शादी नहीं कर सकता।

चौ० रणबीर सिंह (रोहतक): अगरवालों में ऐसा हो सकता है, बाकी सब में ऐसा नहीं है।

श्री जुगल किशोर: अगरवालों में तो होता ही है लेकिन अब माननीय सदस्य की बिरादरी में भी यह सिस्टम चल रहा है। हमारी देखा देखी आप भी ऐसा करने लगे हैं।

चौ० रणबीर सिंह: हमारे यहां यह सिस्टम नहीं है।

श्री जुगल किशोर: अगर आपके यहां डाउरी नहीं चलती तो बड़ी खुशी की बात है। लेकिन जिन लोगों में यह चलती है उनके बारे में मैं यह अर्ज करना चाहता हूं कि अब तो इस प्रथा ने हौलनाक रूप धारण कर लिया है। मैं क्या अर्ज करूं अब तो डाउरी के लिये टेंडर मांगे जाते हैं। लड़के वाला कहता है कि जो लड़की वाला ज्यादा से ज्यादा रकम देगा उसकी लड़की के साथ मेरे लड़के की शादी होगी। इस हद तक नौबत आ गयी है। क्या

इस सूरत में हमारा यह फर्ज नहीं हो जाता कि हम इस प्रथा को नेस्त नाबूद कर दें।

मुझे खुशी है कि सब भाई इस बात के के हक में हैं कि डाउरी नहीं लेनी चाहिये लेकिन कुछ एक्सप्लेनेशन इधर उधर लगा कर उसको किसी तरीके से रखना चाहते हैं।

पंडित ठाकुर दास भार्गव : मैं लिमिट रखने के खिलाफ हूं।

श्री जुगल किशोर : मैं अर्ज करना चाहता हूं कि यह एक्सप्लेनेशन लगा के तो आप खुली छूट दे देते हैं। इसमें कोई लिमिट नहीं रहती कि कितना जेवर दिया जाए कितना कपड़ा वगैरह दिया जाए।

पंडित ठाकुर दास भार्गव : क्या आप बड़ला या टाटा के लिये ५०० की लिमिट रखना चाहते हैं?

श्री जुगल किशोर : अगर बिड़ला और टाटा के पास ज्यादा रुपया है तो वे उसको किसी अच्छे काम में लगा सकते हैं। इस प्रकार उसका प्रदर्शन करने से क्या फायदा है।

पंडित ठाकुर दास भार्गव : क्या लड़की को सम्पत्ति का दान अजखुद बुरी चीज है।

श्री जुगल किशोर : तो मैं अर्ज कर रहा था कि इस एक्सप्लेनेशन से तो आप पूरी छूट दे रहे हैं। कानून तोड़ने वाले तो आप कैसा भी सख्त कानून बनाएं उसमें कुछ लूपहोल ढूंढ लेते हैं। और उसका नाजायज फायदा उठा लेते हैं और उस में सूराख बना लेते हैं लेकिन यहां तो हमने पहले भी बड़ा सूराख कर दिया है और खुली छूट दे दी है।

कई भाइयों ने कहा कि यह एक्सप्लेनेशन ही तो इस बिल की जान है। लेकिन मैं तो कहता हूं कि यह डाउरी की जान है और अब हम डाउरी की बुराई को दूर करना चाहते हैं तो हमको उसकी जान को निकालना ही होगा। हम तो इस बिल के अन्दर कोई लूपहोल नहीं रहने देना चाहते।

एक माननीय सदस्य : यह कहा जाता है कि यह एक्सप्लेनेशन बिल की जान है, न कि डाउरी की जान है।

श्री जुगल किशोर : यह बिल की जान नहीं है बल्कि डाउरी की जान है। यह बिल की जान कैसे हो सकता है क्योंकि यह बिल तो डाउरी को खत्म करने के लिये लाया गया है। इस एक्सप्लेनेशन के रहने से ही डाउरी की जान रहती है। इसीलिये हम इसको नहीं रखना चाहते। मैं अर्ज करूं कि आप यह ख्याल करें कि इस डाउरी के कारण आज महिलाओं की क्या दुर्दशा हो रही है। इस चीज को देखते हुए हमारा और आपका यह फर्ज हो जाता है कि इस डाउरी की बुराई को बिल्कुल खत्म कर दें।

इसके खत्म करने से दो बातें होंगी। एक तो जो लड़कियों के मा बाप हैं वे आराम से रहेंगे और जो वे पैदा करेंगे उसको अपना जीवन स्तर ऊंचा करने में खर्च करेंगे। अभी जो हमारे लोगों का जीवन स्तर ऊंचा नहीं होता उसका कारण यह डाउरी है। हर वक्त लोगों को इस की चिन्ता रहती है और इसके लिए रुपया जमा करने के ख्याल के कारण न वह अच्छा खा सकते हैं, न अच्छा पहन सकते हैं और इसी कारण उनका जीवन स्तर ऊंचा नहीं होता। इसलिये मैं आपकी सेवा में अर्ज करना चाहता हूं कि अगर आपके दिलों में अपनी बहिनों का कुछ भी ख्याल है, उनके ऊपर डाउरी के कारण जो अत्याचार हो रहे हैं उनको अगर आप दूर करना चाहते हैं तो इस एक्सप्लेनेशन को उड़ाना निहायत जरूरी है। अगर यह एक्सप्लेनेशन रहता है तो इस बिल को पास करने से कोई फायदा नहीं होगा। प्रेजेंट्स की शक्ल में वे सब कुछ लेते रहेंगे। तो एक तो मैं यह अर्ज करना चाहता हूं कि इस एक्सप्लेनेशन को जरूर उड़ा दिया जाना चाहिये।

[श्री जुगल किशोर]

दूसरे जहां तक शब्द—डाइरेक्टली और इंडाइरेक्टली—का सवाल है इनको मैं जरूरी समझता हूं कि रखा जाए।

जहां तक क्लाज ४ का सवाल है उसके अन्दर लोक सभा ने यह रखा है कि अगर कोई डिमाण्ड करे तो उसको कैद की या जुरमाने की सजा या दोनों सजाएं हो सकती हैं, लेकिन दूसरी तरफ क्लाज २ में एक्सप्लेनेशन रख कर खुली छूट दे दी है कि बतौर तोहफे के चाहे कुछ भी लिया जा सकता है। एक तरफ तो आप इतनी सख्ती बरतते हैं और दूसरी तरफ इतनी नरमी दिखाते हैं, ये दोनों बातें मेरी समझ में नहीं आतीं। अगर सख्ती करना चाहते हैं तो पूरी तरह कीजिये। इसलिए मैं अर्ज करना चाहता हूं कि अगर आपको नारियों का ख्याल है तो आपको इस बिल को सख्त बनाना होगा।

नारी नर की खान

हम सब नारी से पैदा होते हैं। अगर उसकी हालत ठीक होगी तो हमारी हालत भी ठीक होगी। इसलिए मेरी प्रार्थना है कि आप इस बिल को बगैर एक्सप्लेनेशन के पास करें तभी हम इस डाउरी की बुराई को खत्म कर सकेंगे।

डा० सुशीला नायर : उपाध्यक्ष महोदय, यह जो विधेयक हमारे सामने आया है, यह आवश्यक है इस बारे में तो कुछ कहने की जरूरत नहीं है क्योंकि दोनों हाउसेज, लोक सभा और राज्य सभा, ने इस को स्वीकार किया है और दोनों ने इसको आवश्यकता समझी है।

16.09 hrs.

[MR. DEPUTY CHAIRMAN *in the Chair*]

इसलिए मैं समझती हूं कि देश के प्रतिनिधि देश के नुमाइंदे, दोनों हाउसेज के दहेज की प्रथा को समाप्त करना चाहते हैं इस के बारे में किसी को अपने मन में शंका करने की आवश्यकता नहीं है। दोनों सदनों ने यह निर्णय लिया है कि यह दहेज की प्रथा विवाह की पवित्र संस्था का विवाह की जो पवित्र रस्म का अपमान है। दहेज देना और दहेज लेना दोनों विवाह की प्रथा लिए अपमान हैं। इसी कारण से राज्य सभा और लोक सभा ने अपने अपने दृष्टिकोण से इस विधेयक को अच्छा बनाने की कोशिश की है। अब उसके लिए किसी का यह कहना कि राज्य सभा अधिक प्रगतिशील थी या लोक सभा अधिक प्रगतिशील रही और राज्य सभा कम प्रगतिशील बनी, यह दोनों बातें दुरुस्त नहीं हैं। जहां तक मैं देखती हूं, कुछ सुधार जो राज्य सभा ने इस बिल में किये वह अधिक प्रगतिशील थे और कुछ सुझाव जो लोक सभा ने दिये वह अधिक प्रगतिशील थे। इसलिए यह आवश्यक हुआ कि हम सब दोनों हाउससेज के सदस्य इकट्ठा हो कर मिलें और इस विधेयक को हम जितना अच्छा बना सकते हों, बनायें। मैं इस चीज को मंजूर करती हूं कि इस कानून के बन जाने से दहेज की कुप्रथा यकायक इस देश से चली जायगी, ऐसी चीज नहीं है। मगर इससे दहेज की कुप्रथा निकालने में मदद जरूर मिलेगी।

कुछ लोग बात कर रहे थे बैठे बैठे और कुछ लोगों ने बोलने में भी यह बात कहने की कोशिश की कि अरे किसी से पैसा मांगा थोड़े ही जाता है। अपनी इच्छा से दिया जाता है। अगर कोई बाप अपनी खुशी से अपनी लड़की को कुछ देता है तो उसमें किसी को क्यों कोई शिकायत होनी चाहिए? जब मेरे बुजुर्ग पंडित ठाकुर दास भार्गव बड़े जोर से इस चीज की हिमायत कर रहे थे कि लड़की को तो हमने उसके बाप की जायदाद में हक दे दिया है तो अब दहेज को आप क्यों निकालते हैं? वहां भी मिलना चाहिए और यहां भी मिलना चाहिए, इत्यादि, इत्यादि। मुझे तो उनकी यह बात सुन कर

थोडी हंसी भी आई। मुझे स्मरण है कि जब यहां लोक सभा में हिन्दू सैक्सेसशन ऐक्ट पास हो रहा था तब और उससे मिलती जुलती कुछ धारायें रिहैब्लिटेशन या अन्य कानूनों में जब जब हाउस के सामने आई हैं तो पंडित ठाकुर दास भार्गव ने लड़कियों को हक दिये जाने का विरोध किया है . . .

पंडित ठाकुर दास भार्गव : यह बिलकुल गलत है बल्कि हकीकत इसके बरखिलाफ है।

डा० सुशीला नायर : पंडित जी ने जमीन लड़कियों को नहीं मिलनी चाहिए, यह बार बार कहा है ।

पंडित ठाकुर दास भार्गव : मैं ने अनमैरीड लड़कियों को जमीन में हक देने के बारे में कहा है अलबत्ता मैरीड लड़कियों को मैं ने कहा है कि उनको बजाय बाप के, वहां ससुराल में हक मिलना चाहिए । मैरीड लड़कियों को मैं उनके पति के घर में उनकी ससुराल में हक दिलवाना चाहता था ।

डा० सुशीला नायर : मेरा तो कहना यह है कि जब हिन्दू सक्सेशन ऐक्ट में लड़कियों को अधिकार देने की बात आती है तो कुछ बुजुर्गवार उस का विरोध करते हैं कि लड़कियों को हक नहीं मिलना चाहिए क्योंकि आखिर हमें उन्हें शादी में दहेज देना होता है । उस वक्त यह दलील दी जाती है कि जब उनको दहेज देना है तो उनको जमीन क्यों देनी चाहिए । अब हम कहते हैं कि भाई दहेज मत दो । हम नहीं चाहते कि लड़कियों को आप दहेज दें । दहेज के नाम से शैल्टर लेकर आप लड़की को उसका अधिकार नहीं देना चाहते तो यह दहेज की प्रथा बंद होने से आप फिर यह तो न कह सकेंगे कि हम इसलिए उनको अधिकार नहीं देना चाहते क्योंकि हमें उन्हें दहेज देनी होती है । लड़कियों को दहेज नहीं चाहिए । आप उनको जमीन के और अन्य अधिकार दीजिये । अब दहेज के हक में दलील यह दी जाती है कि वह तो स्त्री धन है और उस के बारे में तो शास्त्रों में भी कहा गया है । लेकिन क्या हकीकत में आज जो दहेज की प्रथा है या स्त्री धन है, उसके बारे में क्या आप लोग अपने दिल पर हाथ रख कर यह कह सकते हैं कि यह लड़कियों के हक में है या फायदे में है ? अगर आप अपने दिल को इसके बारे में टटोल कर पूछेंगे तो आपको यह जवाब मिलेगा कि दहेज व स्त्री धन से लड़की को फायदा नहीं । हम आप सब इस बात से अपरिचित नहीं हैं कि लड़कों की एक तरह से बिक्री होती है । जितना अधिक पढ़ा लिखा लड़का होता है उतने ही उसके दाम ज्यादा लगते हैं । आज लड़के वाला बिलकुल सीधे, बिना शर्म के कहता है कि भाई अगर मेरे लड़के से तुम अपनी लड़की की शादी करना चाहते हो तुम्हें २० या २५ हजार नकदी की व्यवस्था करनी होगी । लड़के वाला लड़की के पिता से यह सवाल करता है कि क्या उसके पास २०-२५ हजार कैश है ? अगर इतना कैश तुम्हारे पास नहीं है तो फिर अपनी लड़की के वास्ते और कोई वर तलाश करो । इस कानून के बन जाने के बाद यह चीज नहीं होगी ।

हमारे त्यागी जी ने और शायद कुछ अन्य भाइयों ने यह कहा था कि खाली लड़के बिकते हों ऐसी बात नहीं है लड़कियां भी बिकती हैं । लड़के वाले से ब्राइड प्राइस वसूल की जाती है । अब मेरा कहना है कि अगर लड़कियां बिकती हैं तो यह भी अनुचित बात है और उसको भी बंद होना चाहिए । जो भी मां बाप अपनी लड़की को शादी में देने के ऐवज में पैसा मांगते हैं वह अनुचित बात करते हैं और वह भी बंद होना चाहिए । इसीलिये जो दहेज की यहां पर व्याख्या दी गई है उस में लड़के और लड़की का फर्क नही रखा गया है । शादी तय करने के लिए चाहे लड़के की तरफ से पैसा मांगा जाय अथवा लड़की वाले की तरफ से उन दोनों का ही इसमें विरो किया गया है और दोनों ही को द होना चाहिए ।

[डा० सुशीला नायर]

मैं जानती हूं जहां कि लड़कियां बिकती हैं। लड़कों के तो दाम हर जगह मांगे ही जाते हैं लेकिन जैसा कि हमारे त्यागी जी ने बतलाया उत्तर प्रदेश के पर्वतीय भागों में लड़की के दाम मांगे जाते हैं। यह बात सही है। लेकिन मैं यह भी आप से कह दूं कि उस लड़की को फिर छुड़ाया भी जा सकता है। जो पिता ५०० रुपया लेकर अपनी लड़की को बेच देता है वह ५०० रुपये देकर उसको पुनः वापिस ले सकता है और फिर दुबारा किसी अन्य के हाथ अपनी लड़की को बेच सकता है। प्रति भी बेच सकता है। वह एक तरह से गुलामी के जैसी बात है। २५०, ३००, ४००, ५००, १००० या २००० रुपये में लड़की ३, ४ या ५ जगह बिकती है, इस तरह के केसेज हमारे पास आये हैं। लेकिन अब यह कहना कि चूंकि ट्राइबल लोगों में कुछ ऐसा रिवाज है उन्हें हमें ध्यान में रखना चाहिए और तब कानून बनाना चाहिए, मुझे तो यह बिलकुल बेकार बात लगती है। मेरी समझ में तो यह सारी चीजें इस बात को बल देती हैं कि शादी के बारे में दाम मांगना और सौदेबाजी करने होना चाहे वह लड़के वाले की तरफ से हो या लड़की वाले की तरफ से, दोनों ही गलत हैं और उनको सर्वथा समाप्त होना चाहिए। सीधे सीधे दाम मागने और सौदेबाजी करना होना या किसी बिचौलिये की मार्फत इस तरह की चीज करना अनुचित है और वह समाप्त होना चाहिए। सलिए मैं समझती हूं कि इस बिल में यह जो संशोधन राज्य सभा वालों ने रखा है कि डाइरैक्टली और इन-डाइरैक्टली शब्द शामिल होने चाहिएं, यह शब्द बहुत आवश्यक हैं और इनको रहना ही चाहिए।

इसी प्रकार से एक दूसरी चीज यह कही जाती है कि लड़की की जब शादी होगी तो उस मौके पर क्या हम लड़की के वास्ते कोई छोटा मोटा उपहार लेकर नहीं जायेंगे ? इसके लिए एक एक्सप्लेनेशन रखा गया है कि जो कैश, जेवर और कपड़े वगैरह उपहार के रूप में प्रेजेंट्स के रूप में दिये जायेंगे उनको डाउरी नहीं माना जायगा। मैं समझती हूं कि यह सरासर अनावश्यक है। इतना ही नहीं बल्कि ऐसा ऐक्सप्लेनेशन रख कर एक रास्ता बताना है लोगों को कि डाउरी अगर कानूनन बंद भी हो गयी है तो भी जेवर के रूप में कपड़े के रूप में उस वक्त जितना चाहे बतौर उपहार दे सकते हैं और वह डाउरी की डेफ़नीशन में नहीं आयेगा। इस तरह से तो इस कानून को हम बिलकुल निकम्मा बना देंगे, डैड लैटर बना देंगे। इस कानून के द्वारा बचने के लिये किस तरीके से रास्ता निकालेंगे यह चीज आप इस एक्सप्लेनेशन में लोगों को दिखा रहे हैं।

आपने यह कह दिया है कि डाउरी वह चीज है जो कि शादी तय करने के लिए कंसिडिरेशन के रूप में दी जाती है। अब शादी के मौके पर जो मित्र आदि प्रेजेंट्स ले आते हैं वे तो इस डाउरी की हद में आ ही नहीं सकते ऐसी हालत में कोई आवश्यकता नहीं है कि इस तरह का एक्सप्लेनेशन लगा कर आप लोगों को एक रास्ता बतायें कि इस प्रकार से इस कानून का उल्लंघन किया जा सकता है। इसी चीज को ध्यान में रखते हुए राज्य सभा ने उस ऐक्सप्लेनेशन को निकाल देने की सिफारिश की है। मेरी समझ में राज्य सभा की ऐक्स-प्लेनेशन को निकालने की सिफारिश बहुत ही उचित है। मैं चाहती हूं कि हम राज्य सभा के उस सुझाव को एक्सप्लेनेशन से निकाल देना चाहिये। हम इस ज्वाएंट सेशन में स्वीकार लें। यह ऐक्सप्लेनेशन निकाल दिया जाना चाहिए। इसकी आवश्यकता ही नहीं है। इसके रहने से कोई फायदा नहीं है। नुक्सान ही हो सकता है।

इस के बाद मुख्य प्रश्न है क्लाज ४ का। उस को निकालने की कोशिश इस लिये हुई कि उस में जो यह व्यवस्था की गई है कि अगर कोई डाउरी डिमांड करता है, तो उस को

दंड दिया जा सकता है, वह हैरासमेंट का कारण बन सकता है। यह कहा गया कि यदि किसी के यहां शादी तय हो नहीं पाई—किसी और वजह से तय नहीं हो पाई, तो वह कहेगा कि यह हम से डाबरी दहेज मांगता था इस लिये शादी तय नहीं हुई और उस पर मुकदमा चला देगा। मैं कहना चाहती हूं कि जिस लड़की का बाप किसी लड़के वाले पर यह कह कर बेकार मुकदमा चला देगा कि वह मुझ से दहेज मांगता था क्या उस का दिमाग नहीं घूमा होगा। उस को अपनी लड़की की शादी करनी है। अगर वह एक जगह बेकार झूठा मुकदमा दायर करता है तो दूसरा कौन उस के यहां शादी करने के लिये तैयार होगा? समाज में उस बात का प्रचार होगा और उसकी लड़की की शादी होना मुश्किल हो जायगा। इस लिये बिना कारण के कोई मुकदमा नहीं कर सकता।

इस के अलावा यह भी कहा जाता है कि जो दहेज को समाप्त करने की बात की जाती है वह ठीक नहीं है क्योंकि अगर किसी की लड़की सुन्दर नहीं होती है, कुरूप होती है या उस में और कमी होती है, तो पिता अच्छा दहेज दे कर उस को अच्छे घर में ब्याह सकता है। मैं समझती हूं कि यह दलील भी बिल्कुल पुरानी हो गई है। यह दलील उस जमाने में लग सकती थी, जब हिन्दू मैरिज टूट नहीं सकती थी। आज तो वह टूट सकती है। जब हम ने डाइवोर्स का विधेयक पास कर दिया, तो उस के बाद यह सोचने के कोई माने नहीं है कि पैसा दे कर हम अच्छे घर में लड़की की शादी कर देंगे, क्योंकि शादी के बाद डाइवर्स हो कर के लड़की की हालत वैसी की वैसी, या उस से भी खराब हो सकती है। यह बात भी ध्यान में रखनी चाहिए और डाबरी न तो डाइरेक्टली और न इंडाइरेक्टली होनी चाहिए और एक्सप्लेनेशन के रूप में उस के लिये रास्ता खुला नहीं रखना चाहिए।

क्लाज ४ के सम्बन्ध में जिस हैरासमेंट का जिक्र किया गया है, मुकदमे से पहले स्टेट गवर्नमेंट से इजाजत लेने के बारे में जो संशोधन आज रखा गया है, उस से उस हैरासमेंट की सम्भावना ही नहीं रह जाती है। मैं समझती हूं कि इजाजत के लिये जाना पेरेंट्स के लिए बहुत कठिन होगा और इस से इस कानून में बहुत कुछ कमी आ सकती है, लेकिन मैं मानती हूं कि इस कानून की पूर्ति खाली मुकदमेबाजी से नहीं होगी। मैं तो यह समझती हूं कि इस कानून के पास होने से समाज पर इस का बहुत अच्छा असर होगा। जब लोगों को मालूम है कि दहेज मांगने से कानून की हद में आ जाते हैं, तो मांगने वाला डरेगा। जब उन्हें मालूम है कि दहेज लेने देने से कानून की हद में आ जाते हैं, तो लेने वाला डरेगा। कई लड़के प्रगतिशील और प्रोग्रेसिव विचारों वाले होते हैं। वे तो कहते हैं कि मैं ने कुछ नहीं लेना है, लेकिन पिता जी गला दबाते हैं कि तुम्हारी पढ़ाई पर इतना खर्च किया तुम्हें विलायत भेजने पर इतना खर्च किया, आदि, वह सब खर्च दहेज में पूरा होना चाहिए। इस कानून से उन लड़कों में मजबूती आ जायगी और वे अपने पिता से कहेंगे कि आप ऐसा करते हैं इस में कानून से मुश्किल आ जायगी। इसलिये मैं समझती हूं कि क्लाज ४ का रहना अत्यन्त आवश्यक है। जो प्रौवाइजों लगाया गया है, वह मुझे बहुत पसन्द नहीं है, लेकिन इस क्लाज को रखने के लिये वह प्रौवाइजो भी हम स्वीकार करें। अगर उस के अमल में दिक्कतें आयेंगी, तो हम फिर पार्लिमेंट के सामने आयेंगे और अगर इस को और सुधारने की आवश्यकता होगी तो सुधार लेंगे।

श्रीमती रेणु चक्रवर्ती ने कहा कि कम्यूनिस्ट पार्टी को बहुत चिन्ता है कि यह विधेयक पास होना चाहिए। मैं कहना चाहती हूं कि जो सरकार यह विधेयक लाई है वह तो कांग्रेस की है। इलेक्शन आने वाला है इस लिये हर पार्टी इस में से यश लेने की कोशिश करे, तो इस के कोई खास माने नहीं हैं। मैं समझती हूं कि कांग्रेस सरकार के लिये यह बहुत शोभा की बात है कि अनेक सोशल

[डा० सुशीला नायर]

और प्रोग्रेसिव लेजिस्लेशन्ज के साथ यह प्राग्रेसिव लेजिस्लेशन भी वह लाई है और मैं आशा करती हूं कि इस विधेयक को इन तीनों सुधारों के साथ–"डायरेक्ट्ली और इन-डायरेक्टली" को रख कर, क्लाज ४ को रख कर और क्लाज २ के पहले एक्सप्लेनेशन को निकाल कर हम पास करेंगे और इस देश की लाखों लड़कियों की इस आशा को पूरा करेंगे कि इस विधेयक के पास होने से, दहेज के रूप में उन को जो अपमान होता है, वह समाप्त होगा ।

Shri A. D. Mani (Madhya Pradesh): Mr. Deputy-Chairman, Sir, in participating in this debate, I would like to say at the outset that it is not necessary for me to speak on the general merits of the Bill, because they have been adequately canvassed in both Houses of Parliament. I should like to address myself to those matters on which a difference of opinion has arisen between the Rajya Sabha and the Lok Sabha.

Regarding the introduction of the words "directly or indirectly" in clause 2 of the Bill, the matter has been made very clear by my hon. friend the Law Minister in his speech this morning when he said that this would not in any way affect the Bill. In the Rajya Sabha when this matter was being debated he said that the words "given" included directly and indirectly. And, as the introduction of these words would not affect the Bill in any way, I think the House is entitled to give full support to the amendments which have been moved in this behalf.

I should like now to come to clause 4 of the Bill. We all heard with great respect what the Prime Minister said this morning. I quite see that the members of the Government have been trying to find a middle path between the rejection of clause 4 as it stands and the acceptance of clause 4. But unfortunately the amendment of my hon. friend Shri Hajarnavis is more dangerous than clause 4. If it is a choice between clause 4 and the amendment—and there is no other choice available—I would rather like to have clause 4 as it stands now. But my point is that we should have the clause deleted from the Bill.

I would like to point out the dangerous implications of the amendment of Shri Hajarnavis. I would like to say here that as far as the intentions of that amendment are concerned, I quite see that there is no motive whatever to introduce something dangerous in the Bill. The House is aware that this Bill is going to be implemented by the States. If the hon. the Prime Minister or my hon. friend the Law Minister are going to enforce this Act, I would have no hesitation whatever in giving them the powers asked for in the amendment tabled by my hon. friend Shri Hajarnavis. But this clause is going to be enforced by the States. In America, the executive authority is the State machinery, and in one State, at the time of the dissolution of a coalition ministry, prosecutions were started under the prohibition law against the opponents of the Government. It is quite possible that the amendment of the clause as suggested by my hon. friend Shri Hajarnavis might be misused as an instrument for political persecution. For example, if there is a candidate standing against the ruling party, the Government may start a prosecution under this section. And the moment a person has been prosecuted for demanding dowry, his chances in the election are finished! Under the present clause 4, as it stands, it is open to a candidate to say that a malicious prosecution has been launched against him and to defend himself before the electorate on that account. But if the State Government is to be a screening authority, the general presumption would be that a *prima facie* case has

been made for the prosecution, and it would lessen the chances of the independent candidate fighting against the Congress in the elections.

I would like, therefore, the amendment to be negatived in this House. In this connection I would like to say that the original stand that some Members took was more reasonable. For the first time we are making the demand of dowry a criminal offence. And when once you make a thing a criminal offence, there has to be certain conformity with public opinion. Many High Court judgments have been given in which the acceptance of the giving of presents on the occasion of a marriage has been called customary. The Orissa High Court has given a notable judgment on the point in regard to this matter.

An Hon. Member: We are superior.

Shri A. D. Mani: Yes, we are superior. In this connection, I would like to say that while we are superior to the High Court, it is better to march in step with public opinion, and create public opinion for this measure.

Shrimati Yashoda Reddy: Should we not create public opinion?

Shri A. D. Mani: My hon. friend Shrimati Yashoda Reddy wants to know whether we should not create public opinion. We are creating public opinion under this measure, and I support the measure whole-heartedly. But the demand is going beyond the acceptance or the giving of dowry...

Pandit K. C. Sharma (Hapur): Does not the demand for dowry offend against human dignity? That is the very corner-stone.

Shri A. D. Mani: We hope that as a result of the passing of this measure without clause 4, those forces of public opinion will be generated for the maintenance of the enforcement again.

But my hon. friend Shri A. K. Sen might well consider these very sage observations of the Wolfenden Committee which went into similar matters connected with another subject, namely street offences. There, the question was what constituted crime. The Wolfenden Committee said:

> "There appears to be no unquestioned definition of what constitutes or ought to constitute a crime. To define it as 'an act which is punished by the State does not answer the question: "What acts ought to be punished by the State?". We have, therefore, worked with our own formulation of the function of the criminal law so far as it concerns the subjects of this enquiry.".

And these are the tests laid down. They say:

> "In this field, its function, as we see it, is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others,...".

Sir, my submission to the House is that while we take a forward step by penalising the giving or taking of dowry, we should wait for some public opinion to be created before we come forward with an amendment of the Act, after the Act has been stabilised. So, my submission would be that clause 4 should be dropped from the Bill, but if it is a question of a choice between clause 4 and Shri Hajarnavis's amendment, then, I support clause 4 as it stands and not Shri Hajarnavis's amendment, because under common law, it is open to me to claim compensation under section 250 of the Criminal Procedure Code for malicious prosecution. But where the State has taken the responsibility of screening, it becomes a serious matter.

I should like to deal with the Explanation which is also the subject of many amendments which have been tabled. I have tabled an amendment in this connection and since I would not like to speak on it on the next day, in order to expedite the business

[Shri A. D. Mani]

of the House, I might deal with it just now. I have sought to insert the words 'of a reasonable character not exceeding two thousand rupees in value' after the words 'any presents'.

An Hon. Member: Why not Rs. 51?

Shri A. D. Mani: My hon. friend wants that it should be only Rs. 51, with no desire whatever to encourage dowry. But I may point out that a girl has got to be given a nose-screw, two ear-rings and four or five saris. Rs. 150 will go for the nose-screw, Rs. 300 for the ear-rings; these things have to be given even if they do not ask. Then, four or five saris have to be given which will cost Rs. 600; then, a necklace also has to given. These are things which a father and mother give out of affection, and we do not want these presents given out of affection to be misconstrued or twisted by the enemies of the parents into launching a criminal action.

My submission with regard to that clause is that in the original Bill, my hon. friend the Law Minister had said that to make the Bill practicable he had included Rs. 2000 for the customary presents given at the time of marriage. This matter underwent again a sea-change when the Joint Committee and the Lok Sabha and the Rajya Sabha debated the matter. (*Interruption*) My hon. friend Dr. Shrimati Seeta Parmanand asks 'When once you put the word 'consideration', you throw open the doors for vexatious litigation'. What we say is that in ordinary families, we do like to give our daughters and our sisters these customary presents. The significance of the words 'of a reasonable character' is this. It is not that everyone is asked to give a present of Rs. 2,000. It is only an industrial magnate who should give Rs. 2,000.

Shri C. D. Pande (Naini Tal): May I ask whether an assessment will be made at the time of the marriage ceremony by some officer? Will an inventory be made according to this Bill?

Shri A. D. Mani: The enforcement of the Bill, as the hon. Member will realise, depends on an active public opinion. We do not expect police officers to attend every wedding to evaluate the presents. It is those active women's organisations which are very alive to the urgency of the problem which have got to take up the matter and agitate it in the law courts.

The words 'of a reasonable character' throw open the entire matter to judicial decision. A clerk getting a salary of Rs. 75 a month will not be called to pay Rs. 2,000. It is only a person who has got enough resources, who wants to set up a standard of austerity in this matter, who should do it. Even if a man is a multi-millionaire, he should not give more than Rs. 2,000 as presents. To that extent, this is a little progress from what has been recommended by the Joint Committee.

श्री रामसेवक यादव (बाराबंकी) : इसमें कोई शक नहीं है कि जो दहेज प्रथा आज देश में प्रचलित है, वह बहुत बुरी प्रथा है। चाहे राज्य सभा के माननीय सदस्य हों और चाहे लोक सभा के सभी इस मामले में सहमत हैं कि इस प्रथा का अन्त होना चाहिये। इस प्रथा के दो कारण हैं, एक तो सामाजिक असमानता और दूसरा आर्थिक विषमता। जब तक हम सामाजिक असमानता और आर्थिक विषमता को दूर नहीं करेंगे तब तक केवल इस तरह का अधिनियम बना देने मात्र से यह समस्या हल नहीं हो सकेगी।

सभी जानते हैं कि स्त्री और पुरुष गैर-बराबर हैं। स्त्री तो एक ऐसी वस्तु है जिसको कुछ पैसा दे करके जबर्दस्ती दूसरे के गले मढ़ा जाता है। स्त्री और पुरुष की असमानता का कारण हमारे देश में जाति प्रथा है या

कुलीन प्रथा है । अगर इस कुलीन प्रथा का अन्त हो जाए तो बहुत अंशों में और मैं तो यह कहूंगा कि पूरे तौर पर इस दहेज प्रथा की जड़ को ही हमेशा के लिए हम काट सकते हैं सको समाप्त कर सकते हैं । लेकिन जब तक कुलीन प्रथा रहेगी तब तक चाहे लड़कों के लिए पैसा लिया जाए या लड़कियों के लिए पसा लिया जाए दोनों तरह से यह प्रथा चलती रहेगी और इसका निराकरण नहीं हो सकता है ।

अभी प्रधान मंत्री जी इस सम्बन्ध में बोले हैं और उन्होंने कहा कि उन्हें बड़ा धक्का लगा जब पांच साल पहले उन्होंने सौराष्ट्र में कंवा ी लड़कियों को आत्म हत्या करते हुए सुना । मैं समझता हूं कि अगर प्रधान मंत्री जी को धक्का लगा होता तो सही मानों में वह इस समस्या के बारे में जागरूक हुए होते । उन्होंने जब से देश आजाद हुआ है कोई न कोई प्रभावशाली कदम इस विषय में उठाया होता जिससे जाति प्रथा का अन्त हो सकता । लेकिन इस विषय में कुछ नहीं किया गया है ।

जहां तक इस विधेयक का सम्बन्ध है, इसके दो उद्देश्य हैं । एक उद्देश्य तो यह है कि दहेज प्रथा का अन्त हो और दूसरे उस उद्देश्य की पूर्ति के लिए कुछ ऐसी व्यवस्था की गई है ाक अव्वल तो दहेज लिया ही न जाए और अगर लिया जाए तो देने और लेने वाले दोनों को दंडित किया जाए । जहां तक दंड का सम्बन्ध है उन्होंने इस के अन्तर्गत यह रखा है कि दहेज देने और लेने वाले पर मुकदमा चलेगा और अगर यह साबित हो जाता है तो उनको छ : महीने तक की सजा या पांच हजार रुपये तक जुर्माना हो सकता है, या दोनों हो सकते हैं ।

मैं इस सदन का तथा माननीय सदस्यों का और साथ ही साथ माननीय स्त्री सदस्यायों का ध्यान इस ओर आकर्षित करना चाहता हूं कि इस विधेयक पर बहस तो बड़ी गर्मागर्म चल रही है और यह आशा भी की जाती है कि कोई बड़ा नतीजा निकल जाएगा, लेकिन इसके उद्देश्य को देखें या इसकी व्यवस्थाओं को देखें, तो ये दोनों ही उद्देश्य इस विधेयक से पूरे नहा होते दिखाई देते । और इस लिये पूरी नहीं होती कि जो धारा २ में व्याख्या नं० १ है. उस में है कि दहेज न दिया जाय लेकिन उस व्याख्या में क्या कहा गया है ? उस में कहा गया है :

> "For the removal of doubts, it is hereby declared that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties."

इस व्याख्या के रहते हुए क्या हम यह आशा करें कि दहेज प्रथा का अन्त हो जायेगा ? अभी हमारी सदस्या डा० सुशीला नायर ने कहा कि यह बहुत प्रगतिशील वधेयक है । लेकिन मुझे दुःख है कि जब जब इस प्रकार सरकार ने कोई प्रगतिशील विधेयक संसद के सामने रखा, तब तब दिखावट की कि जाहिरा तौर पर वह बहुत प्रगतिशील है, लेकिन उस के अधीन कोई ऐसी व्यवस्था कर के उसे ऐसा मोड़ दिया गया कि उस की सारी प्रगतिशीलता समाप्त हो गई । इस व्याख्या के रहते हुए अगर हम आशा करें कि दहेज प्रथा का अन्त हो जायेगा तो मैं समझता हूं कि यह बहुत गलतफहमी की बात होगी और इस से कुछ होने वाला नहीं है ।

इसी तरह से इस में जो धारा ४ है उस के बदले में जो यह संशोधन रक्खा गया है उस के लिये मंत्री महोदय ने कहा कि इस का मतलब यह नहीं है कि कोई परेशानी वह लोगों के लिये पैदा करेगा बल्कि उससे लोगों को आसानी ही होगी । किसी भी राज्य सरकार के कर्मचारी को, चाहे वह मैजिस्ट्रेट हो या अन्य अधिकारी हो, उस को यह अधिकार नहीं दिया जा गा कि वह मुकदमा चलाने की इजाजत दे दे । इस सम्बन्ध में मैं माननीय मंत्री

[श्री रामसेवक यादव]

जी का ध्यान आकर्षित करना चाहता हूं कि मौजूदा स्थिति में जब किसी सरकारी अधिकारी के खिलाफ कोई पब्लिक का आदमी मुकदमा दायर करना चाहता है तो उस को इस के लिये इजाजत लेनी पड़ती है सरकार की, और इस से बड़ी तकलीफ होती है । इस में भी ज्यादातर मिसालें आप को ऐसी मिलेंगी जिन में मुकदमा चलाने की इजाजत नहीं मिलती । तो इस में जो व्यवस्था कर दी गई है उस से यह समस्या हल नहीं होगी और यह और कठिन हो जायेगा कि लोगों को मुकदमा चलाने की इजाजत मिल जाय । धारा ४ का जो खंड है उस के साथ जब यह व्यवस्था आती है तो साफ जाहिर हो जाता है कि इस की मंशा केवल यह है कि डावरी लेने, दहेज लेने की जो बात करते हैं, चाहे परोक्ष में या सीधे, उन को किस तरह से हम दंड से बचाने की व्यवस्था करेंगे । यही इस के अन्तर्गत कहा गया है ।

उसमें यह भी कहा गया है कि अगर कोई दहेज लेता है या देता है, कोई दहेज मांगता है तो उसके ऊपर मुकदमा चलाये जाने की इसमें व्यवस्था है । धारा ५ में इस विषय में यह कहा गया है कि यह जो जुर्म होगा वह गैर दस्तन्दाजी का होगा । दस्तन्दाजी का जुर्म नहीं होगा । मैं आपसे निवेदन करूं कि एक आदमी अपनी लड़की की शादी करना चाहता है, और वहां उससे रुपया मांगा जाता है । गरीबी के कारण, निर्धनता के कारण वह दहेज नहीं दे सकता । वह लौट कर किसी दूसरे लड़के की तलाश में जाता है । अगर उसके पास पैसा होता तो वह दहेज देकर लड़की की शादी कर देता । अब प्रश्न यह उठेगा कि वह खुद जाकर मुकदमा दायर करें । पहले तो मुकदमा लड़ने के लिये इजाजत ले और इसके लिये वह एक मुकदमा दायर करे उसके बाद जब इजाजत मिल जाये मुकदमा लड़ने की तो दूसरा मुकदमा दायर करे उस पर जो कि दहेज मांगता है । आप सोच लीजिये कि इसका क्या मतलब है । अगर उसकी आर्थिक क्षमता इस तरह की होती तो उसको मुकदमा लड़ने की क्या जरूरत होती ? वह पैसा देकर किसी अच्छे घर में शादी कर देता अपनी लड़की की । इसलिये यह जो व्यवस्था है वह कागज के अन्दर हो रहेगी इससे कुछ होगा नहीं । इसके मुताबिक कोई मुकदमे नहीं चलेंगे भले ही इस सम्बन्ध में आप कानून अवश्य बना डालें । मिसाल के तौर पर मैं आपको बतलाऊं कि बालकों के विवाहों पर कानूनी प्रतिबन्ध लगा हुआ है, लेकिन मैं अपने निर्वाचन क्षेत्र की बात बतलाता हूं कि मुझे आज तक कोई ऐसा मामला नहीं मिला जो कि अदालत में गया हो जब कि शादियां रात दिन होती रहती हैं । हां एक मिसाल जरूर मिली कि एक गांव में एक प्रधान का चुनाव हुआ । बीच में दो पार्टियां पैदा हो गईं और उन दोनों में दलबन्दी हो गई । दलबन्दी के कारण जब एक के यहां शादी हुई तो दूसरी पार्टी ने जाकर शिकायत की और उस पर मुकदमा चला । इस व्यवस्था से यह जरूर होगा कि जब भी किसी जगह दो पार्टियों में विरोध होगा तो शायद इस तरह की शिकायतें आ जायें लेकिन वास्तविक रूप में इस कानून के रहते हुए इसमें जो गैर दस्तन्दाजी की धारा जुड़ी हुई है उसके रहते हुए सही मानों में कोई मुकदमे अदालतों में नहीं जायेंगे । इसलिये मैं सदन से और माननीय मंत्री महोदय से कहना चाहता हूं कि अगर वे चाहते हैं कि यह विधेयक पास हो अगर वे चाहते हैं कि इस विधेयक का मंशा दहेज प्रथा को रोकना और दहेज लेने वाले को दंडित करना हो तो इस एक्स्प्लेनेशन को छोड़ दिया जाय । इसमें जो एक्स्प्लेनेशन है उसके लिये हमारे पंडित ठाकुर दास भार्गव ने कहा कि यह विधेयक की जान है । मैं कहूंगा कि विधेयक का जो उद्देश्य है उस उद्देश्य के लिये यह एक्स्प्लेनेशन मौत है । हम उसकी जान ले लेते हैं अगर उसको कायम रखते हैं । जब

तक यह व्यवस्था रहेगी तब तक यह चीज चलेगी नहीं ।

एक बात मैं और कहूंग कि केवल कानून बनाने से समस्या हल होने वाली नहीं है । इस समस्या के दो पहलू हैं । कानून भी बने और साथ साथ जनमत का जागरण हो । लेकिन इस दिशा में अब तक कुछ नहीं हुआ । मैं समझता हूं कि अगर सरकार इस विधेयक को पारित करती है तो इसका मन्तव दूसरा समझ लिया जायेगा और मैं समझता हूं कि जो माननीय सदस्य जरा भी ध्यान लगा कर सोचते होंगे वे जानदे होंगे कि इसका कोई नतीजा निकलने वाला नहीं है । सलिये जब तक जनमत जागृत नहीं किया जाता तब तक कुछ नहीं होगा । अगर इस विधेयक में कुछ भी जान रखनी है, इसको उद्देश्यपूर्ण रखना है तो इस एक्स्प्लेनेशन को निकाल दिया जाय और जो दंड देने की व्यवस्था है वह जुर्म गैरदस्तन्दाजी न हो, उसको काग्निजेबल बनाया जाय । तभी यह चीज चल सकती है । अगर सही मानों में इसको कार्यान्वित करना चाहते हैं तो जो लोग राजकीय सेवा में आना चाहते हैं अगर वे दहेज लें तो उनको नौकरी में न रखा जाये । दूसरे जो दहेज लेने वा ले हैं उनको दंड मिले और इसको एक अनैतिक अपराध घोषित किया जाय । दूसरे जो दहेज देने वाले लोग हों उनको वोट देने और वोट पाने के अधिकार से तथा चुनाव में खड़े होने के अधिकार से वंचित रखा जाय । तभी जाकर इस विधेयक के उद्देश्य की पूर्ति हो सकती है, वर्ना नहीं ।

इन शब्दों के साथ मैं इस सदन से निवेदन करूंगा कि वह इसकी व्यवस्थाओं क ओर ध्यान दें और जो दंड की व्यवस्था है उसमें संशोधन करे तभी इसके उद्देश्य की पूर्ति हो सकती है ।

श्रीमती चन्द्रावती लखनपाल (उत्तर प्रदेश) : उपसभापति महोदय, आज इस संयुक्त अधिवेशन के अवसर पर हम दहेज विधेयक की कुछ विवादास्पद धाराओं पर जब निर्णय ले रहे हैं तो हमें यह देखना होगा कि इन धाराओं की अच्छाई और बुराई को नापने के लि हमें कौनसी कसौटी बनानी है, हम किस आधार पर यह निर्णय करेंगे कि कौन सी धारा अच्छी है और कौन सी बुरी हे कौन सी उपयोगी है और कौनसी अनुपयोगी है । दोनों सदनों के माननीय सदस्य जो आज इस सभा में उपस्थित हैं, शायद इस बात को मानते हैं कि इस दहेज विधेयक का लक्ष्य दहेज को समाप्त करना है, लेकिन अगर यह विधेयक अपने इस लक्ष्य को पूरा करने के योग्य हो सके तो हमें यह भी देखना पड़ेगा कि इस विधेयक की एक एक धारा, और उस धारा के एक एक पंक्ति और पंक्ति के एक एक अक्षर से एक ही प्रकार की आवाज निकलनी चाहिये और वह दहेज के विरोध में हो । इस दृष्टि से जब हम इस विधेयक की धाराओं की ओर दृष्टि-पात करते हैं तो हमें इस विधेयक की सब से बड़ी कमजोरी धारा ३ और उसका एक्स्प्ले-नेशन (ए) लगती है ।

धारा २ में दहेज की व्याख्या की गई है, लेकिन व्याखया जो है वह वह तो अपने आप में इतनी काफी है, इतन स्पष्ट है, इतनी पर्याप्त है उसका स्पष्ट - करण लगाने की कोई आवश्यकता नहीं । मंत्री महोदय ने अपने भाषण में स्वयं स्वीकार किया है कि एक्स्प्लेनेशन न भी जोड़ा जहीं तो भी डेफीनीशन के माने में कोई फर्क न आएगा । आखिर डेफीनीशन से भी यह मान निकलता है कि जो स्वेच्छा से दिया जाए वह उपहार है और जो मजबुरी से दिया जाए वह दहेज है । तो फिर एक्स्प्लेनेशन जोड़ने से कोई अन्तर पड़ता नहीं है । अगर एक्स्प्ले-नेशन न जोड़ा जाए तो काम खराब नहीं होता, लेकिन अगर एक्स्प्लेनेशन रखा जाता है तो सारा खेल ही बिगड़ जाता है । असल में एक्स्प्लेनेशन क्या है ? इसमें कहा गया है कि उपहार के रूप में कपड़ा भी दिया जा सकता है, जेवर भ दिया जा

[श्रीमती चन्द्रावती लखनपाल]

सकता है और कोई दूसरे उपहार भी दिये जा सकते हैं और उनको कोई भी सीमा नहीं है। जितना मर्जी चाहे दिया जा सकता है। अगर इस सारी बात की छूट दे दी जाती है तो फिर इस दहेज विधेयक में रह ह क्या गया। एक्स्प्लेनेशन से तो विधेयक की जान ही निगकल जाती है और यह विधेयक बिल्कुल निकम्मा और बेजान हो जाता है।

किसी विधेयक को लाने से पहले हमें यह भी देखना चाहिए कि हम उसे किस प्रकार की जनता के लिए ला रहे हैं। हमको देखना चाहिए कि हम अपने देश के किन लोगों के लिए यह विधेयक ला रहे हैं वे कैसे हैं। कहने को तो हर कोई कहता है कि दहेज बुरा है और नहीं लेना चाहिए लेकिन जब अपनी बारी आती है तो हर एक चाहता है कि उसको अपने लड़के की शादी पर ज्यादा से ज्यादा दहेज मिले। जब हमारी इस प्रकार की मनोवृत्ति है तो इस प्रकार की मनोवृत्ति वाले समाज के लिए अगर हम यह एक्स्प्लेनेशन रखेंगे तो उसका क्या असर पड़ने वाला है। इसको रखने का मतलब यह होगा कि हम दहेज प्रथा पर प्रतिबन्ध नहीं लगा रहे हैं बल्कि उसको प्रोत्साहन दे रहे हैं। आज हमको यह फैसला करना है कि हमको दहेज पर प्रतिबन्ध लगाना है या उसको प्रोत्साहन देना है। अगर दहेज पर प्रपिबन्ध लगाना है तो इस एक्स्प्लेनेशन को इसमें से उड़ाना ही चाहिए।

इसके अलावा एक और बात है। एक्स्प्लेनेशन के हक में एक सबसे बड़ी दलील यह दी जाती है कि अगर लड़कियों को विवाह के अवसर पर दहेज नहीं दिया जाएगा तो उनके साथ बड़ा भार अन्याय होगा क्योंकि इस प्रकार हम उनको उनके स्त्रीधन से वंचित कर देंगे। लेकिन जैसा कि पहले भी कहा जा चुका है आज दहेज का रूप स्त्रीधन का नहीं रहा है बल्कि वह तो लड़के की कीमत के रूप में लिया जाता है। जैसे जैसे लड़के की लियाकत बढ़ती जाती है वैसे वैसे ही उसका मूल्य भी बढ़ता जाता है। तो इस प्रकार के दहेज न रहने से लड़की के लिए कोई अन्तर पड़ने वाला नहीं है। अगर एक्स्प्लेनेशन रहता है तो मैं निश्चय के साथ कह सकती हूं कि लोगों को दहेज को बनाये रखने के लिए एक बहाना मिल जाएगा, इससे देश के अन्दर एक गलत साइकालाजी पैदा होगी, एक गलत वातावरण बनेगा। इस बिल का असर होना तो यह चाहिए कि जिनके पास धन है वे भी डावरी या उपहार के रूप में ज्यादा न दे सकें जिससे कि जो गरीब हैं उनके अन्दर स्पर्धा पैदा न हो। तो हर प्रकार से हम देखते हैं कि इस एक्स्प्लेनेशन को रखने से यह सारा बिल बिल्कुल किम्मा बन जाता है।

दूसरा सवाल इस बिल में शब्द डाइरेक्टली और इनडाइरेक्टली को रखने का है। अगर उसको निकाल दिया जाता है तो सारे बिल की ताकत ही खत्म हो जाएगी। अगर हम चाहते हैं कि यह बिल अपने लक्ष्य में सफल हो तो हमको इसे इफेक्टिव बनाना पड़ेगा और जानदार बनाना पड़ेगा और ऐसा करने के लिए यह जरूरी है कि इन शब्दों को रखा जाए, क्योंकि देखने में आता है कि डाइरेक्टली के मुकाबले देश में आज इनडाइरेक्टली बहुत दहेज लिया जाता है। कोई आज इस तरह नहीं कहता कि हमें १० हजार रुपया दहेज के लिए चाहिए, लेकिन इस तरह कहा जाता है कि लड़के को पढ़ने के लिए विलायत भेजना है। इस तरह से इनडाइरेक्टली रुपया मांगा जाता है, या कहा जाता है कि लड़के के लिए कोई फैक्टरी लगवा दीजिए। इसलिये मेरा विचार है कि डाइरेक्टली और इनडाइरेक्टली दोनों को रखना जरूरी है।

तीसरी विवादास्पद धारा वह है जिसमें दहेज की डिमांड को दंडनीय बनाने की बात है । इस पर काफी बहस हो चुकी है और अभी भी यह चर्चा का विषय बना हुआ है । मैं कहती हूं कि दहेज की डिमान्ड के लिए दण्ड की व्यवस्था होनी चाहिए जैसा कि लोक सभा ने रखा है । दहेज की शुरूआत ही डिमांड से होती है । इसलिए मैं समझती हूं कि शुरूआत में ही बुराई को रोकना बुद्धिमत्ता की बात होगी ।

आजकल शादी के मामले में प्रचार करने के लिए ब्रोकरों के आरगेनाइजेशन काम कर रहे हैं । वे मैरिज मारकेट में प्रचार करते हैं कि फलां व्यक्ति पांच हजार की या दस हजार की या २५ हजार की शादी करेगा । इस प्रकार के संगठनों द्वारा डिमांड को प्रसारित किया जाता है । तो ऐसे समाज के लिए डिमांड को दंडनीय न बनाना इस बिल को अर्थहीन बना देना होगा । दोनों सदनों के अन्दर डिमांड पर दंड की व्यवस्था करने पर काफी मतभेद था लेकिन मंत्री महोदय ने आज अपनी तरफ से जो इसमें प्रावाइजो लगाया है उससे काफी समाधान हो जाता है और जो लोगों की यह शिकायत थी कि इसका दुरुपयोग होगा, हैरासमेंट होगा, वह संभावना बहुत कम हो जाती है ।

इसहिए आज मैं यह कहती हूं कि जब हम बहुत आग्रहके बाद इस बिल को इस सदन में लाये हैं तो हमें कोशिश करनी चाहिए कि इसमें कोई भी कमजोरी न रहने पाए और जो भी कमजोरियां इसमें हों उनसे मुक्त करके ही इसे हम जनता के हाथ में दें जिससे कि समाज की यह बुराई दूर हो सके और समाज में नया वातावरण बन सके ।

Shri Jaipal Singh (Ranchi West-Reserved-Sch. Tribes): Sir, after a great deal of thought I thought I should participate in what should have been a momentous joint session of both Houses of our Parliament. I cannot see anything momentous about it. I am opposed to any form of prohibition and as such, I oppose this Bill lock, stock and barrel. I feel that social reform of this type cannot be achieved by legislation. Again and again we have failed miserably in all the attempts we have made in getting at what we thought we would have by legislation. I do not wish today, as I have to continue on Tuesday—I shall enumerate all that on Tuesday—to make a list of all the miserable failures we have had, in an endeavour to reform ourselves socially through enactments. My main objection to this legislation is that it is going to promote, to aggravate, to intensify, contempt of social legislation. That is my main objection. That is to say, this legislation has not our countrymen at large behind it. Any legislation, any piece of enactment, to command the respect of the general population must have its general acceptance. Now, neither my hon. friends who are here, nor we on this side, have any right to say whether this piece of legislation has the general support of the population because it has not been presented to our electors as such. I wish this issue could have been presented at the coming general elections. Then we would have been in some position to say whether the people were behind us or not.

Mr. Deputy-Chairman: You might continue your speech on Tuesday.

17.01 hrs.

The joint sitting of the Houses of Parliament then adjourned till Eleven of the Clock on Tuesday, May 9, 1961/ Vaisakha 19, 1883 (Saka).

GMGIPND—LSII—536 (Aii) LS— 18-5-61—1,450.